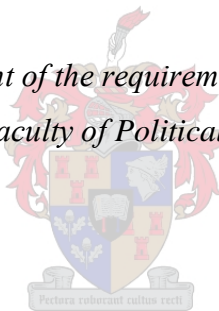


**Identifying Conditions of Precarity: A gender analysis of Lindela Repatriation
Centre**

by

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*Thesis presented in fulfilment of the requirements for the degree of “Master of
International Studies” in the Faculty of Political Science at Stellenbosch University*



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Declaration

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author thereof (save to the explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party right and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

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Abstract

Precarity has traditionally been viewed as a means to understand economic and social conditions affecting people, and more recently women. However, the work of Judith Butler has placed precarity within the body politics and particularly those who are detained by the carceral state. In this study, the researcher argues that there are three areas which have varying conditions of precarity: the first within the country of origin, thereafter conditions present in the host country and lastly those experienced while detained. Lindela Repatriation Centre has been used as a site of research by a number of scholars, but few have examined it as a site of precarity. The aim of this research is to add to the understanding of precarity among migrants; but more specifically to determine if there is a difference in the ways in which men and women experience precarity. The researcher identified various dimensions of precarity and these were further aggregated by gender. She made use of qualitative semi-structured interviews with participants drawn from those detained at Lindela Repatriation Centre. Overall conditions of precarity identified include: precarious reasons for leaving (country of origin) which included political, social and economic conditions; circumstances of arrest and criminalisation of migration. Furthermore, conditions of precarity at Lindela include: power over bodies, spatiality and prison-like detention, punitive means of punishment, separation from support structures, deportation and sustenance. Further conditions include suspension of rights, verbal and physical attacks, and lastly the attitudes of officials.

Opsomming

Onsekerheid (precarity) word tradisioneel verstaan as 'n manier om ekonomiese en sosiale kondisies te begryp wat mense, en meer onlangs vrouens, beïnvloed. Die werk van Judith Butler het onsekerheid binne die politieke liggaam geplaas, veral vir diegene wat gevange gehou word deur die staat wat gevangenhouding prioriteer. Hierdie navorsing redeneer dat daar drie areas bestaan waarin daar 'n variasie van onsekerheid vir migrante voorkom, eers binne die land van oorsprong, later teenwoordig is in die gasheerland en laastens ervaar word terwyl hulle in aanhouding is. Lindela Repatriasie Sentrum word gebruik as 'n plek van navorsing deur menigte navorsers, maar min literatuur het daarna gekyk as 'n plek van onsekerheid. Die doel van die navorsing is om by te dra tot die begrip van onsekerheid onder migrante, maar meer spesifiek om vas te stel of daar 'n verskil is tussen hoe mans en vrouens onsekerheid ervaar. Die navorsing het verskillende dimensies van onsekerheid identifiseer, en ondersoek met betrekking tot geslag. Die navorsing maak gebruik van kwalitatiewe, semi-gestruktureerde onderhoude met 'n proefgroep van migrante wat in Lindela Repatriasie Sentrum aangehou is. In die geheel is voorwaardes van onsekerheid wat geïdentifiseer is: onsekerheid van bestaan in die land van herkoms wat bydra tot vertrek, insluitend politieke, sosiale en ekonomiese toestande; en omstandighede van arrestasie en kriminalisering van migrasie. Situasies van onsekerheid by Lindela sluit in: mag oor liggame, ruimtelikheid en aanhouding wat soortgelyk is as in tronke, strawwe wat toegepas word, skeiding van ondersteuningstrukture, 'n gebrek aan voeding en deportasie. Verdere voorwaardes sluit in opskorting van regte, verbale en fisieke aanvalle, en laastens die houding van amptenare teenoor migrante.

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Abbreviations

BOSASA: A company notable for its appearance in the Zondo Commission; a South African company specialized in providing services to the government. Most notable are the prison management services which they provide for the South African government. The company has been deeply implicated in the Zondo Commission of Inquiry.

CBD: Central Business District

DHA: Department of Home Affairs

HIV/AIDs: Human immunodeficiency virus and acquired immunodeficiency syndrome

LHR: Lawyers for Human Rights

Lindela: Lindela Repatriation Centre

NGOs: Non-Governmental Organizations

NPM: National Preventive Torture Mechanism

OPCAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

RRO: Refugee Reception Office

SAHRC: South African Human Rights Commission

SAPS: South African Police Service

Scalabrini: The Scalabrini Centre of Cape Town is a non-profit organization offering specialized services to refugees, migrants and South Africans.

UNHCR: United National High Commission for Refugees

US: United States of America/ United States

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Chapter 1

1.1 Introduction

This thesis is an exploration of the conditions of precarity for detained ‘illegal’ migrants including asylum-seekers and refugees. The reason for this exploration came after a conversation with an individual working in the NGO industry who had visited a South African border detention facility. At the detention facility the NGO worker had encountered a woman who had been arrested for working illegally on a farm. Allegedly her employer had reported the seasonal farm workers from Zimbabwe to the Police a week before they had been due to be paid. Subsequently her children had been left on the farm while she was in the process of deportation. The NGO worker did not know what had happened to the woman thereafter, but the experience illustrated the intersection between precarity, migration and labour.

There are roughly 586,000 people of concern as designated by the United National High Commission for Refugees in South Africa, with 112,192 refugees and 363,940 asylum-seekers (UHNCR, 2015). The number of migrants is unclear, with estimates at best given by Africa Check and StatsSA at 1,6 million people. There is significant migration to South Africa from neighbouring countries, some of which include seasonal labour as highlighted in the previous paragraph. The precarity experience in the narrative of the Zimbabwean field worker illustrates precarity in the situation of migrant labour and specifically of migrant women. Therefore it becomes necessary to understand the gendered conditions of precarity in the migration story; migrant experiences in South Africa and especially of those detained at Lindela.

1.2 Rationale

Globally the conflict in Syria has drawn the world’s attention back to the case of the migrant, whether innocent or deceptive in the imagination. In recent months South Africa has shifted to a greater focus on the issue of immigration. There is little media discussion surrounding the precarity of migrants, nor is there a focus on the gendered experience of migration. There is increasing tension between the globalised world and the sovereign state. This tension plays out on border lines and foreign bodies, particularly through the construction of the “Other” and perpetual precarity. International literature has shown how a gendered perspective of the

“Other” body should be central to understanding migrant and refugee experiences. Often refugees, asylum-seekers, and migrants are seen as threats to the host society (Freedman, 2007:1). In the South African context, specifically, these terms are often associated with illegality and criminality.

This chapter will firstly provide a review of literature available on the macro level of gender-related considerations to migration. Thereafter, the literature review will focus on the carceral state, in order to investigate how the carceral state controls and confines borders. Also, it will investigate how the carceral informs detention, the criminalisation of immigration and the gender gap in the carceral state. Thirdly this chapter will examine precarity, both from Butler’s conceptualisation and other scholars’ contributions. Lastly this chapter will review the literature available on South Africa, from the bureaucratic challenges facing refugees, asylum-seekers and migrants, to research and reports relating to Lindela.

1.2.1 Global Considerations

Worldwide there is considerable focus on refugees, migration and the problems which have arisen regarding security, citizenship, and identity. Refugees, asylum-seekers and migrants present challenges to traditional conceptualisations of the nation. These notions are becoming increasingly contested and along with citizenship, identity has also become a site of contestation. There are two dominant observations in the relevant literature: first, definitions in international law are inadequate and second, women are not acknowledged in their gendered experience. Even with increased interest, there is a shortfall in national legislation and policing to recognise gendered aspects in asylum (Freedman, 2009:176). Scholars increasingly scrutinise the static definition of what constitutes a refugee or an asylum-seeker (Gunning, 1989, Schenk, 1994, Freedman, 2009, 2010, 2016, Pittaway & Bartolomei, 2001, Kelly, 1993). Freedman argues that policy and legislation are gender-blind, with international bodies and national governments unable to focus on the protection of women asylum-seekers or to recognise gender-related aspects of seeking asylum (Freedman, 2009:176). This may be the result of human rights violations being portrayed in literature and legislation as male-orientated, where men are being tortured or imprisoned by the state (Schenk, 1994:301).

Arguments for broadening the definitions of asylum-seekers and refugees, and calling for greater gender-inclusion are seen in the works of various scholars (Gunning, 1989, Schenk, 1994, Freedman, 2009, 2010, 2016, Pittaway & Bartolomei, 2001, Kelly, 1993), which call for greater emphasis on protecting women refugees from sexual assault, abuse and institutionalized gender-discrimination. Moreover, scholars argue that laws do not take into consideration women's distinctive needs (Schenk, 1994, Freedman, 2009, 2010, 2016, Pittaway & Bartolomei, 2001, Kelly, 1993). Schenk argues that the lack of provision comes from continuing gender-discrimination as illustrated by acts of abuse committed both by state representatives and citizens; as state-sanctioned abuse of women occurs through physical and sexual assault (Schenk, 1994:301-304). Rape and other forms of sexual violence are often used as strategies of war and genocide aimed at humiliating communities, but these remain unacknowledged in international conventions (Pittaway & Bartolomei, 2001:21).

The 1951 Refugee Convention is such a convention, which does not recognise gender-related persecution as grounds for refugee status. This lack of recognition extends to gender-based violence (GBV) as grounds for refugee status or is seen as persecution on the basis of gender (Pittaway & Bartolomei, 2001:21). Gender-related persecution is well-documented and forms part of some women's decisions to leave their countries of origin. Gender-related persecution includes practices such as forced marriages, dowry, murder, forced sterilisation, abortion, rape, domestic violence, and Female Genital Mutilation (Freedman, 2007:45). Gender-based violence is also perpetrated during migration, with women often encountering similar dangers from border guards, police and smugglers (Freedman, 2016:18). Therefore, scholars have made increasing arguments for gender-mainstreaming in international conventions such as the 1951 Refugee Convention.

Not only is the above Convention gender-blind, but scholars have also challenged the definitions of an *economic migrant*, or an *asylum-seeker* and a *refugee*. An *economic migrant* is often described as the "bad" migrant, imbued with deceptive and or selfish motives. Conversely the "good" migrant is characterised as a victim and righteous (Freedman, 2007:4). Scholars, including Freedman, have argued that separating economic causes of migration from political and social causes is difficult. Political conflict can lead to the inability to effect changes to economic conditions, thereby failing to provide social development and to defend human rights (Freedman, 2007:4). The reverse is also true: political conflict can result in severe poverty as a result of economic crises (Freedman,

2007:4). Consequently, the causes of migration cannot always be attributed in line with traditional international norms of migration.

Women are especially vulnerable to political, economic and social oppression because laws and norms determine gender-appropriate behaviour (Kelly 1993:626). In societies facing economic, social or political turmoil, women are often left to be carers of children or the elderly, making them vulnerable to violent attacks (Kelly, 1993:626). With this said, women are not without agency. The characterisation of women purely as victims results in the maintenance of stereotypical gendered roles and does not acknowledge the basic gendered notions of power which affect this vulnerability (Freedman, 2009:193). In the eyes of the West, the migrant woman embodies a particular kind of powerlessness. While some argue that this is beneficial, in reality it is counterproductive and perpetuates harmful stereotypes. It does not acknowledge women's voices or agency and only serves to reinforce gender differences (Freedman, 2009:193). Gender-mainstreaming has been taken up by international agencies, despite increased global attention to the importance of mainstreaming gender. Moreover, these changes have been slow to be implemented and are often enacted in an unplanned manner (Freedman, 2010:590).

1.3 Research Problem: South Africa and Lindela

South Africa has a longstanding history of xenophobia and violence towards migrants, which is mostly characterised by the events of 2008 and the continuous flare-ups which have occurred ever since. A common belief among South Africans is that migrants spread disease, take advantage of basic government services such as electricity, running water and healthcare as well as stealing jobs (Patel & Essa, 2015). South Africa is often associated with this kind of attack on migrants, strongly associated with a kind of xenophobia which criminalises immigrants in the country, specifically those from other African nations (Alfaro-Velcamp & Shaw, 2016:984). Despite the number of xenophobic attacks which occur in the country, the government maintains that violence against migrants is entrenched in criminality rather than in xenophobia (Patel & Essa, 2015). This attitude and belief are further perpetuated through authorities as thousands of people are deported from the country each year (Sutton & Vingeswaran, 2011:627).

It is difficult to obtain statistics as to how many migrants enter the country every year, due to inadequate and poor data collection as well as irregular migration patterns (Meny-Gibert & Chiumia, 2016). It is estimated that South Africa has a refugee and asylum-seeker population of roughly 586,000 people (UHNCR, 2015). A further, 1,6 million people were reported by StatsSA to have been born outside of South Africa. These numbers, however, do not account for informal, “illegal”, migration into South Africa, with no records being kept at borders and with an estimated number of between one and three million undocumented migrants living in South Africa (Makou, 2018). The scarcity of accurate information can lead to scapegoating, xenophobia and discrimination. South Africa has experienced violent waves of xenophobia in the past and this occurred again in 2019.

It is argued that this is the case because both government and non-government organisations have an interest in exaggerating immigrant numbers, in order to impose stricter border controls or to secure donor funding (Meny-Gibert & Chiumia, 2016). Most recent available statistics state that 54 169 people were deported between 2014 and 2015 (Africa Check available, 2016). The DHA has struggled to manage increasing levels of migration to South Africa since 1994 (Amit & Kriger, 2014:270). Four bodies are involved in migration policing in South Africa: the South African Defence Force (SADF), the South African Police Force (SAPS), SAPS Border Policing and the DHA. Each plays a different role in the policing of migration (Klaaren & Ramji, 2011:140). Migrants are often unable to make the journey into the interior as immigration officials and/or Border Policing often repatriate them promptly and without following the correct procedures (Sutton & Vingeswaran, 2011:631).

Violence against people who have entered seeking asylum or refugee status is experienced in several spaces such as: in the areas in which they live; at the Department of Home Affairs; by the closure of Refugee Reception Offices and in the daily fear of violence. Migrants, asylum-seekers and refugees come from different parts of the African continent, with research showing that Zimbabweans comprise the majority of asylum-seeking claims, followed by Tanzania, Mozambique, Malawi, Lesotho and the Democratic Republic of Congo respectively (Truen, Kgophola & Mokoena, 2016:28). The most precarious of spaces can be found at Lindela Repatriation Centre¹.

¹ Lindela Repatriation Centre will be referred to from this point as Lindela.

1.4 Research Questions and Objectives

The central question guiding the research is:

What is the gendered nature of the conditions of precariousness for foreign nationals in South Africa?

From the central research question several research objectives and sub-questions are laid out, seeking to answer the research question.

To understand the central research question, available literature can be divided into three parts: first is literature regarding precarity; thereafter the carceral state; and lastly a contextual analysis of South Africa. The present research focuses on the experience of migrants, asylum-seekers and refugees throughout their migration stories; from the migration from their countries of origin, to their experiences while in South Africa and finally, their experiences of arrest. Focusing on these areas will allow for exploration into conditions of precarity throughout the experiences of those detained at Lindela.

In summary the research objectives of this study are outlined below:

1. The first objective is to understand how the carceral state interacts with migration. The security approach of the carceral state is the primary logic behind the detention and criminalisation of migration.
2. The second objective is to understand how conditions of precarity are formed through primary data collected through interviews and an analysis of secondary data from a literature review.
3. Third, it is necessary to understand gender and gendered experiences during migration journeys, experiences in South Africa and experiences of detention.
4. The fourth objective is to explore if conditions of precarity can be identified for detained migrants at Lindela.
5. The fifth objective is to explore if these conditions of precarity are gendered.

To guarantee that these research objectives are met in a clear and coherent manner, the following sub-questions will be used to keep the study within the outlined objectives, in addition to being used as the tools for answering the central research question.

1. How is carcerality exercised on migrants and how is the carceral system in South Africa experienced by migrants, refugees and asylum-seekers?

The first step in the research is to review how the carceral system interacts with detainable populations and particularly with migrants. Literature will be reviewed on the carceral state, including relevant theories; the interaction between the carceral state, the penal system and detention; gender considerations in the carceral state; the role of borders, spatiality and geographic location of detention centres; and lastly, how the carceral state can create precarity. Further primary data through interviews with detainees will shed light on their experiences of the carceral state.

2. How can one understand the conditions of precarity faced by people migrating (migration story) to South Africa?

This is essential in answering the first and the second objectives. Through understanding migration stories, conditions within the countries of origin leading to migration can be identified. In addition, this question can be adequately addressed through understanding the social, economic, and/or political circumstances leading to migration; the journeys undertaken through countries; challenges faced along the way and individual concerns for safety while traveling.

3. Is there a gendered experience of carceral politics for men and women detained at Lindela?

This is essential for answering the third objective of the research. The research will conduct the same semi-structured interview based on a questionnaire for both men and women. By approaching both men and women, the researcher will be able to determine if there are differences in responses to the questions between men and women.

4. What are the conditions of precarity for those detained at Lindela?

The research questionnaire aims to determine what the overall conditions of precarity are for those detained at Lindela. This is essential to engage the fourth objective of the research.

5. Can a gendered experience be obtained from the data collected?

The analysis of the data collected in the interview process will explore gendered experiences seen in the responses of participants. The gendered experiences will also include gendered experiences of the carceral state.

6. *Do government institutions play a part in creating conditions of precarity?*

This question seeks to understand the role of government and the state in creating and or exacerbating conditions of precarity for migrants, asylum-seekers and refugees. Two steps are required to do this: the first is through a literature review and the second is through the primary research.

1.5 Significance of study

This study could contribute to the growing literature available on precarity and migration, while more particularly to literature on precarity in detention. Further, the research has sparked interest from the SAHRC, civil society organizations and scholarly institutions. The research has the potential to form part of evidence-based programming, advocacy and other interventions. In addition to being useful to these sectors, this research could have a positive impact on the management of detention facilities, particularly of Lindela. The results of this research can be used to inform the DHA and government stakeholders of the conditions of precarity and how to mitigate these.

1.6 Theoretical Framework

The theoretical framework for the research undertaken in this thesis is drawn from the work of Judith Butler and her conceptualisation of precarity in *Precarious Life: The Powers of Mourning and Violence*. Primarily the choice of framework for this research is that Judith Butler conceptualizes the body in terms of geopolitics, the relational power between bodies and the construction of precarity. The construction of precarity is not only created through the interaction of bodies, but also of the role the state, sovereignty and the creation of extra-legal governmentality can create precarity. The modalities of precarity identified in Butler's work were used to guide the formulation of the research questions. These were further used for an analysis of the results of the research, aiming to provide an insight into the results of the interviews conducted, and to understand how the carceral state and detention create conditions of precarity. A further analysis will indicate how this precarity can be gendered in nature. In brief, some of the modalities include constructing precarity through narratives of nationhood (2004:1). Secondly, Butler conceptualises precarity as the ability to mourn publicly; as well as the autonomy of bodies as a political act. Thirdly, she conceptualises

precarity in indefinite detention, where the first and second conceptualisations are used to explain how precarity occurs in indefinite detention practices. The fourth conceptualisation takes place within a framework of political comment, where views that are critical of the Israeli state reveal the precarity of Palestinians. Lastly, she uses the “Levinas face” as an expression of precarity as a series of displacements and to understand the face of another, which is the means to become aware of precariousness in another life (Butler, 2004: 134). These conceptualisations form the theoretical framework from which this research is conducted.

1.7 Research Design and Methodology

This study is an explorative qualitative data study with a case study being the means through which data is generated. A qualitative data method is more suited to the study than a quantitative method, due to the focus on the lived experiences of detained people at Lindela. The most appropriate method of data collection was through semi-structured interviews, to encourage a rich response from the participants. Participants were drawn from detained people at Lindela Repatriation Facility which allowed targeted sampling. This was due to the researcher being prevented from putting up flyers within the facility by DHA management. Interviews were recorded using a laptop and with the researcher taking notes. These notes were then used in combination to write up detailed notes on the interviews. The semi-structured interview questionnaire was designed with the objectives and sub-questions in mind and used for analysis.

Key concepts

1.7.1 Carceral system

Carceral politics and incarceration form a crucial aspect of governance today. It can be described as a system through which governments reinforce the borders as a security approach in dealing with foreign nationals (Bensworth & Kaufman, 2011, & Bosworth, 2008).

1.7.2 Precarity

According to Butler, a precarious existence lacks predictability, where death at any moment is possible and where some bodies are vulnerable to violence. Butler conceptualises precarity as constructed through global narratives and beliefs which place a higher value on some individuals than others (Butler, 2004).

1.7.3 Gender

The terms *gender* and *sex* are often used interchangeably. It can be said that *sex* is often understood in biological terms in distinguishing between men and women (Steans, 2006:7). *Gender* is the social construct that assigns certain roles and role expectations to women, often based on stereotypes about women. The South African constitution protects people within its borders from discrimination on grounds of both sex and gender.

1.7.4 Gendered experience

Gender relations are imbued with power relations, whether at the domestic level, national level or international level. How one experiences certain phenomena such as intimate relations, labour relations, war, migration or incarceration differs for men and women. This can be called *gendered experiences* (Enloe, C, 2000). These experiences and characteristics of male and female, feminine and masculine, differ along lines of culture, class, race, religion and age, and are called intersectionality (Peterson & Runyan, 1993:17).

1.7.5 Criminalisation

Criminalisation can be described as the use of law to criminalise an activity by an individual through traditional law enforcement and by deploying mechanisms to prevent or pre-empt the activity.

1.7.6 Refugee and asylum-seeker

A *refugee* is defined by international law under the Geneva Convention as someone who has been recognised by a national government or the United Nations High Commission for Refugees (UNHCR) as deserving of international protection under the Convention (Freedman, 2007:3). An *asylum-seeker* is an individual who has asked a state to grant him or her refugee status under the terms of the Convention (Freedman, 2007:3).

1.7.7 Informal migrant

Refugee, *asylum-seeker* and *migrant* are terms which are often used interchangeably but can be clearly differentiated. There is no formal definition of a migrant, but it is understood to be a person who changes his or her country of residence, regardless of reason or legal status (United Nations, Definitions [s.a]., & International Organization for Migration, Key Migration Terms [s.a]). Therefore, an informal migrant can be conceptualised as an individual changing a country of residence while not obtaining the host country's legal documents or undergoing due processes for residing there.

1.7.8 Xenophobia

The South African Human Rights Commission (SAHRC) defines xenophobia as the deep dislike of non-nationals by nationals of a recipient state (South African High Commission, 1998). It is similarly conceptualised as a deep dislike of non-nationals by nationals of the recipient state by Hopstock and De Jager (2011:123). Other conceptualisations of xenophobia which are useful to understanding are that it is a form of racism and a rather distinct form of nativism (Kim & Sundstorm, 2014:20).

1.7.9 Legal Migrant

A *legal migrant* can be conceptualised as an individual who moves beyond his or her country of origin to a receiving or host country, while maintaining some rights and protection (Matthew, 2009:2-3). These can be, for example, the right to live, work, access education and health care services. These migrants follow legal processes to enter the host country.

1.7.10 Illegal Migrants

Literature sometimes refers to *illegal migrants* as non-citizens or “precarious residents” (Matthew, 2009:2;) Illegal migrants can be conceptualised as individuals who move from their countries of origin to a host country, while possessing few social, political or economic rights. Illegal migrants are also highly vulnerable to deportation and detainment because they have not followed legal procedures.

1.8 Strengths and Limitations

There are a number of strengths and limitations to consider within this research. The nature of the research is explorative, since Butler's conceptualisation of precarity has not previously been applied to the context of detention. A strength of this research is that it could provide an indication whether a further in-depth study of precarity in detained populations is required. A

further strength is that it aims to identify, through the semi-structured interviews, whether there are gender differences in the experiences of those detained at Lindela.

The limitations of the study include the small sample of eight men and eight women, a fact which makes generalisations difficult. However, the study could make a significant contribution to available literature on detention centres. Among possible limitations of the study is the setting itself. Detention facilities are often under the control of governments, difficult to gain entry to and difficult to conduct research in. Bureaucratic processes can hinder the ability of researchers to access detained peoples in repatriation facilities. In addition, interference by the state during research may present challenges to keeping the research ethically and methodologically sound.

1.9 Authorization and Ethical clearance

Ethical approval for this study was sought from Stellenbosch University. The researcher commits to abide by all protocols associated with the conducting of research that involves human participants (See Appendix A).

1.10 Chapter outline

Chapter 1 is an Introduction which aims to provide an overall conceptualisation of this study with background information. Chapter 2 will comprise the Literature Review which provides an overview of available literature regarding precarity, migration and the carceral state. Chapter 3 will detail the Research Methodology by outlining the research strategy, data collection, setting and information on participants; data processing and analysis. Chapter 4 and Chapter 5 will outline the Analysis and Interpretation of the data. Chapter 6 will provide an overall Conclusion to the study by drawing out the main points of the study as well as by making recommendations for further research.

Chapter 2

Literature Review

2.1 Introduction

In this chapter, the researcher will undertake a review of the available literature in a number of areas. Firstly, a review of literature available will be provided on the macro level of gender-related considerations to migration. Secondly, she will outline the role of the carceral state in border control and confinement; how the carceral informs detention; the criminalisation of immigration and the gender gap in the carceral state. Thirdly in this chapter, she will examine precarity, both from Butler's conceptualisation and the contributions of other scholars. In conclusion, in this chapter she will review the available literature on South Africa, from the broader bureaucratic challenges facing refugees, asylum-seekers and migrants, to specific research and reports relating to Lindela.

2.2 Precarity

2.3.1 Conceptualisations of Precarity

The conceptualisation of *precarity* has its roots in the post-Ford era of Capitalism (Şenses, 2016 & Paret & Gleeson, 2016). The term *precarity* is often used to describe insecure work and class relationships, where vulnerable employment circumstances are associated with similarly poor and insecure living spaces (Şenses, 2016:975). Or as stated by Paret and Gleeson, precarious work leads to precarious livelihoods (Paret & Gleeson, 2016:279). Precarity has been traditionally framed according to how modes of production affect society in terms of precarious employment. But defining precarity within modes of production means that it is historically bound, with some critics highlighting that women and people of colour were excluded from labour security (Paret & Gleeson, 2016:279). This is also true when one views the global South and the introduction of job-centred state welfare systems; since many are unable to access secure wage employment (Harris & Scully, 2015:423). However, these definitions are only focused at the macro level. Ettlinger argues that precarity is also found at the micro level of everyday life (2007:319).

Precarity represents a crucial phenomenon of study because of the various ways in which it manifests. It has been shown and argued by various authors that precarity takes different forms (Nielson & Rossiter, 2008:51). An example is Giuliani's conceptualisation of precarity as a common element able to interpret reality, explain reality and group various opinions into a shared struggle (2007:114). Ettlinger argues that precarity is a "condition of vulnerability relative to contingency and the inability to predict" (2007:319). McRobbie highlights that the main understandings of precarity during the post-Ford era do not account for gender or ethnicity (2010:60). Interpretations of precarity do not exclude it from being politically relevant, especially because of its diverse conceptualisations representing different "ontological experiences" which contribute to understanding precarity as a whole (Nielson & Rossiter, 2008:55). Precarity as a political concept should be considered as being broader than a mere consideration of economic approaches; it should be considered as a way through which it manifests itself in other realms (Nielson & Rossiter, 2008:51).

Traditionally the focus of migration studies has fallen on factors driving migration based on traditional conceptualisations of migrants, asylum-seekers and refugees. Recent literature has indicated a shift in focus in the migrant experience (Paret & Gleeson, 2016:277). Borders and securitisation have become the central focus of controlling migration, the validity of integration and the long-term "acculturation" of migrants (Paret & Gleeson, 2016:277). Globalization coupled with the opening up of capital markets have become a global phenomenon where increasing economic inequality between the global North and South have led to migration (Paret & Gleeson, 2016:280; Canefe, 2018:42). These opposing forces are fuelled by the focus on the nation state and its composition, despite an increasingly globalised world. In understanding migration, one can understand the subtleties surrounding inequality and social change instead of focusing on how precarity necessitates migration and can be identified among various migrant groups. The circumstances of migrants intimately reflect the social, economic and political changes in both their country of origin and the host country (Eder & Özkul, 2016:2). Precarity takes into account the micro and the macro contexts, allowing researchers to locate precarity in experiences which are "insecure or vulnerable" (Paret & Gleeson, 2016:280). Butler's conceptualisation takes into account both the macro and the micro contexts, and forms the theoretical framework for this research.

2.3.2 Judith Butler's Conceptualisation of Precarity

The work of Butler in *Precarious Life: The Powers of Mourning and Violence* provides a strong theoretical conceptualisation of the formation and dissemination of the insecure. It illustrates how migrants experience precarity in multiple and reinforcing ways through: the combination of vulnerability to state violence and deportation; being excluded from public services; basic state protections; and discrimination as highlighted by Paret and Gleeson (2016: 281). Butler's work builds on the conceptualisation of precarity through five chapters of which four are focused on; (i) conceptualizing precarity as a constructed state of being; (ii) how bodies interact, sometimes violently, and the value placed on lives manifesting through the ability to mourn which are inherently political; (iii) how governmentality creates conditions of precarity through penal systems. (iv) Butler uses the face introduced by Emmanuel Levinas to illustrate precarity as the creation of otherness, despite a shared humanity. The face is representative of ethics beginning with the appearance of another person; using the face to address violence, murder and hate (Burggraeve, 1999:29).

a) Constructing Precarity through Narratives

First, Butler highlights that at both the macro and micro levels, narratives play an important role in constructing precarity, where race, ethnicity and even one's religion are used as markers of exclusion and othering. Illustrated by the period following 9/11, the media was dominated by anti-intellectualism and an acceptance of censorship, disallowing critical engagement with dominant narratives (Butler, 2004:1). Media take on the role of a public voice and the government, in constructing the nation state, and thereby the boundaries of belonging. Critical intellectual positions, particularly of US military efforts, following 9/11 were seen to be complicit with terrorism or even viewed as weak in the fight against terrorism (Butler, 2004:2). The results of the Bush administration at the time present the case for the dire consequences of "reflexive denial of precarity" (Ettlinger, 2007:319). According to this view, reflexive denial misrepresents complex realities and acts on these misrepresentations (narrative); thereby reinforcing precarity, such as the European migration crisis (Ettlinger, 2007:320). The dialogue within the media supported and reinforced the out-of-date division between the East and the West, and notions of civilization and barbarism (Butler, 2004:2). Barbarism, represented through terror, has become associated with people

of colour and acts of violence perpetrated in and against Western States (Butler, 2004:4). This illustrated the racial, ethnic and religious dimensions of othering narratives.

Terminology is an important part of forming the global narrative, especially the use of terms such as *terrorist*, *migrant*, *refugees*. The term *terrorist* is used by the Israeli state as an adjective to describe any action which forms part of the Palestinian resistance, but is not used for its own practices of state violence (Butler, 2004:4). This practice is highlighted by intersectional feminists who point out that acts of violence perpetrated by white individuals are not regarded as domestic terrorism. Ways in which violence is understood is derived from this understanding, hampering certain questions and historical examinations; operating as a moral justification for retaliation (Butler, 2004:4). This frame of understanding dictates the way in which something is heard and abided by. Butler highlights the hypocrisy of Western acts of violence which are not considered *terrorist* but those coming from an underdeveloped country, African or Middle Eastern, are considered imperatively *terrorist* (2004:6). Through this, lives are profoundly implicated in the lives of others, through the creation of an enemy (Butler, 2004:7). It is in the construction of this narrative through which precarity on a global scale is clearly seen. It can be argued that Butler's chapter "*Explanation and exoneration and what we can hear*" highlights that people are created as subjects through language and by being subject to language (Shulman, 2011:229). The vulnerability highlighted in the above chapter is two-fold, consisting of the afore-mentioned vulnerability, and the following: language is used to provide meaning and to establish social hierarchies. This is done through the specific use of language which cements meaning, social hierarchies and makes people real through creating the subject and the injured subject (Shulman, 2011:229). So, constructing precarity through narrative enables one to understand oneself as a political being and *creates a* perception of political reality (Patterson & Monroe, 1998:315). In this way, language leads to the construction of precarity through narratives about the social hierarchies of bodies.

b) Monopolies on Violence, Bodies and the Ability to Mourn

The ability to mourn is inherently political and speaks to a power relationship between bodies² which humanize and dehumanize the “Other” (Butler, 2004). For migrants, this includes racialised dehumanization and the devaluation of migrant lives and losses of life (Williams & Mountz, 2018:76). Loss is constructed within the self and the relation of that self (body) is constituted and implicated in the selves (bodies) of others (Butler, 2004:20). Through the implication of self through the selves of others, one is made vulnerable, but this vulnerability is differentiated and allocated differently across the globe (Butler, 2004:31). In order to understand these vulnerabilities, Butler highlights the need to view bodies being subjected to the power of other bodies, where one is vulnerable to violence from bodies higher in the social hierarchy (2004:32). The value of bodies, or lives, is different and some will be protected more than others. These powers have practical implications for citizenship, particularly for “precarious residents” as described by Matthew. The precarious resident as described by Matthew comes into sharp focus when one considers the continuing course of precarity as suggested by Paret and Gleeson (2016:279). The argument is that precarity is the standard rather than the “Fordist economic organization”, especially when considering the development of the global South (Paret & Gleeson, 2016:279). Precarious migrants are conceptualised as those possessing few social, political or economic rights, with little to no option for securing their immigration status (Matthew, 2009:2). Even those with some secure rights such as asylum-seekers and refugees are “tolerated” or “guests” (Matthew, 2009:2-3). The lives and deaths of the “Other” do not have the ability to mobilize forces of war nor do they qualify for many as “grievable” (Butler, 2004: 32). The qualifications for what is grievable are discussed at the end of this section through illustrative examples. As a result, a hierarchy is established with regard to the value placed on lives and bodies. Butler argues value of self (bodies) is located within the West, with white lives viewed as “higher” in value, and the “Other” is relegated to people of colour and the barbaric, like Palestinians killed by the Israeli army (Butler, 2004:32-33).

Squire elaborates on this through the lived experiences of migrants and asylum-seekers staying at City Plaza in Athens (2018:111), where a refugee described the Idomeni camp as, “everything has turned into lines...waiting time to go by quicker.” This provides an insight into the inhumane treatment and humiliating living conditions faced in both informal and

² The term *bodies* in this context refers to the living person, within the political sphere as a citizen and a non-citizen, migrant or illegal migrant, refugee or asylum-seeker.

formal camps (Squire, 2018:115). Squire further highlights the loss of life's purpose, where migrant bodies are made disposable through abandonment (2018:115).

The creation of the "Other" is achieved through derealization in discourse, where certain lives are not considered valuable, or humanized, leading to their dehumanization (Butler, 2004:34). The inability of certain lives to be mourned and their deaths acknowledged, situates grief and the ability to grieve in the public domain. Migrant deaths at sea and the response of Southern European countries illustrate how some lives can be considered of minor value. In 2018, the number of deaths were estimated to be in excess of 5000 and state responses to this statistic were to increase enforcement (Williams & Mountz, 2018:74). The process of securitisation of migration takes place through removing migrants from regular politics to a discourse of "extraordinary times", "threats" and "emergency" rhetoric which frames migrants as a danger (Williams & Mountz, 2018:75). However, Butler argues that discourses do not create dehumanization but create the boundary of what is human (Butler, 2004:35). It can be argued that the creation of precarity in this instance occurs by these two concepts which work in parallel to each other. A demonstration of this is found in the photographs of a Syrian child, a boy; found drowned on a beach, who remained nameless and whose death was framed as symptomatic of political conflict (<https://www.theguardian.com/world/2015/sep/02/shocking-image-of-drowned-syrian-boy-shows-tragic-plight-of-refugees> [2019, October 30]). Recognition of death and the value of life are sharply contrasted with the bombing which occurred at an Ariana Grande concert, where the dead were named within a day (<https://www.aljazeera.com/news/2017/05/uk-police-confirmed-fatalities-manchester-concert-170522230211269.html> [2019, October 30]). The value placed on lives feeds into what is considered to be humane and often defies international compacts on human rights, such as those bound by the Geneva Convention. The acts of nationhood create a conception of what it means to be a citizen and establish a norm (Butler, 2004:41). Bodies can be located both as sites of common human vulnerability and as fields of power (Butler, 2004:44).

c) Indeterminate Detention

Mbembé and Meintjies argue that the ultimate expression of sovereignty is through decisions over life and death, otherwise known as biopower or necropolitics (2003:11-12). Not only

does the concept of necropolitics (Mbembé & Meintjies, 2003) connect the body with sovereignty but it is also an essential component of how Butler conceptualises the indeterminate length of detention by the state. Indefinite detention is conceptualised as a suspension of law and this allows states to exercise a new kind of sovereignty (Butler, 2004:51). Indefinite detention has repercussions for not only when law may be suspended or the circumstances in which this may occur; but it also determines the extent and borders of legal jurisdictions (Butler, 2004:51). The work of Foucault is essential to how Butler introduces governmentality and the sovereign state. State power is constituted through the political biopower in managing and regulating populations and goods (Butler, 2004:51). Mbembé and Meintjies argue that “to exercise sovereignty is to exercise control over morality and to define life as the deployment and manifestation of power” (2003:12). Life as a manifestation of power can be shown, in the extreme, through Nazi concentration camps where the inhabitants were divested of political status and reduced to bare life (Mbembé & Meintjies, 2003:12). Arguably the hardening of borders and the increasing securitisation of migration control, deprive migrants of basic political and civil rights (Poole, 2007; Matthew, 2009; Butler, 2004; Williams & Mountz, 2018). Traditional understandings of sovereignty are that legitimacy is gained through legitimacy for the rule of law.

On the other hand, governmentality is a form of power, related to the preservation and control over bodies and the regulation of bodies (Butler, 2004:52). In this way, governmentality plays a vital role in shaping the *self*, *I* and *the other*. Butler goes on to highlight that sovereignty is different from the democratic process in that it is not reserved for the executive branch of government or managerial officials (2004:54). Where the rule of law is suspended, sovereignty and governmentality merge. This can be explained in the following way: when sovereignty is enacted to suspend the law, it also allows governmentality to operate in an extra-legal manner (Butler, 2004:55). The law is suspended in the name of sovereignty and signifies the role of the state in ensuring its preservation and the protection of its territory (Butler, 2004; 55). This can be seen in South Africa with clear anti-foreign sentiments emanating from the South African government; claiming protection of its businesses by the recent arrest of counterfeit goods operations in Johannesburg CBD (Postman, 2019; <http://www.sabcnews.com/sabcnews/police-raid-several-joburg-cbd-stores/> [2019, October 28]; Mabuza, 2019). The state acts through sovereignty and othering which justifies its action to its citizens as protectionist. Villegas (2015) presents different modes of surveillance as part of governmentality, particularly the governing of foreign bodies. As far

as migrants are concerned, surveillance increases precarity, leading especially to the possibility of detection; which becomes a means of reinforcing internal borders (Villegas, 2015:230). These methods of surveillance have been expanded to include agents such as: social service providers, banks, employers and immigration and policing authorities (Villegas, 2015: 231). For migrants with a precarious migration status, the increased scope of surveillance technologies and practices provides a greater potential for detection and deportation.

Critical to the refugee crisis, are questions raised by Butler regarding when and under which conditions human lives are no longer eligible for basic universal human rights (2004:57). Furthermore, in order to understand illegal arrests, the state appropriates the power to exercise judgments over who is dangerous, thereby maintaining that some prisoners can be detained indefinitely. The classification of bodies is the intersection between the carceral state and the creation of precarity. Furthermore, sovereignty means that the state is able to act without law in order to create law (Butler, 2004:61).

It is argued by Mbembé and Meintjies that the greatest manifestation of sovereignty is “the power and capacity to dictate who may live and who must die” (2003:11). In the exercise of sovereignty lies control over mortality and the ability to define life within deployment and the manifestation of power (Mbembé & Meintjies, 2003:12). This is otherwise known as *biopower* and is illustrated by scholars using the examples of the Jewish death camps (such as Giorgio Agamben), (Mbembé & Meintjies, 2003:12; Agamben, 1998).

d) The Levinasian face

Butler presents the case for ethical and moral approaches in empathising with those subjected to precarity (Butler, 2004:131). She uses the work of Emmanuel Levinas in order to illustrate precarity from the perspective of morality. The face of “Other” makes an ethical demand on the viewer but this demand is unclear (Butler, 2004:131). The philosophy of morality is illustrated through making moral claims on the observer, where the face makes ethical demands. The “Other” is created in “the most basic mode of responsibility” where apathy makes one complicit in another’s precarity (Butler, 2004:131). In this description the face represents the precariousness of the “Other”; understanding the meaning of precarity and being aware of what is precarious in another’s life (Butler, 2004:134). The face is a metaphor

for the extreme precariousness of the other, a mode of being (Butler, 2004:134). Levinas proposes the primary response of the viewer in light of the face is the desire to kill, which can be linked to biopower and precarity and necropolitics (Butler, 2004:136).

Butler emphasises the continual tension between the fear of experiencing violence and the fear of imposing violence (Butler, 2004:137). The Levinasian face is important for us to understand precarity as it ties discourse to precarity and the use of language is able to direct us and communicate the precarious life which it establishes (Butler, 2004:139). Those who are able to gain self-representation have a greater chance of being humanized, while those who are unable to represent themselves are regarded as the “lesser” (Butler, 2004:141). This illustrates the contradiction which is situated in the face: it is not the face which humanizes; yet the face is the requirement for humanization (Butler, 2004:141). Dehumanization or humanization can occur in the production of the face, specifically how it (the face) is framed and how it plays into the framing of dehumanisation or humanisation.

2.2 Carceral State

The carceral state extends beyond the rule of law and order by acting on contrasted populations’ bodies, where these populations are constructed through discourses around an existing category (Simon, 2007:476). Foucault argued that prisons would become the way states exercise social control. Migrant bodies would fill these institutions to satisfy the needs of the state (Simon, 2011:476). The migrant population has increasingly become a population of interest for the carceral state, often referred to as “aliens” (Bosworth & Kaufman, 2011:429). These constructed populations are seen crossing over borders, therefore vital to social control, resulting in the carceral system of the state becoming increasingly interested in the securitisation of its borders. The following section will outline how the carceral state secures its borders, the role of detention and criminalisation and lastly gendered consideration when viewing the carceral state. These conceptualisations of the carceral state do take race and ethnicity into account but often overlook gender in its power relationships (Hermández, 2012). Furthermore, deportation and detention are not only the means through which states attempt to control international migration, but are also the means through which they reassert boundaries (Stephen Legomsky 1999, &Mountz et al, 2012).

2.2.1 Securing Borders

Borders are increasingly the foci of control and sites in which the state is able to control the flow of migration. Through legislation and prosecution central to policies and discussions in a number of countries, this shift to a security-focused approach can be observed (Bosworth, 2008:200). Policies are increasingly concerned with regulating, monitoring, reducing and policing who enters a country (Bosworth, 2008:200). The shift is comparable to the contractual state which is able to grant rights through policies, as the state becomes grounded in law and social contracts which have the ability to decide the futures of non-citizens (Coutin, Ashar, Chacón, & Lee, 2017:953). Previously, policies were concerned with economic factors in the host country and the country of origin which had inspired migration. However, the shift has become focused on the issue of security, where the foreigner is perceived as the threat (Bosworth, 2008:200). This friction has come to indicate a growing tension between the nation state and an increasingly globalised world. Bosworth describes this change as the “forces of globalisation with its emphasis on free trade (which) both necessitates and provokes the flow of populations which can be deliberate or compelled” (2008:200). States’ responses have been to intensify asylum processes and restrictions on unskilled immigration (Bosworth, 2008:200). In the case of South Africa, this can be seen both in the criteria enforced for granting critical skills visas and in the White Paper on Immigration which will be discussed later in this chapter. Globally, however, this strategy has borrowed practices and ideologies from the criminal justice system, markedly from detainment and criminalisation (Bosworth, 2008:200).

If, as argued by Simon (2007), the carceral state governs through punishment as a means of maintaining political order, then the criminalisation of immigrants (formal or informal) would fit the rationale of the carceral state. Simon warned that immigrant populations would become the focus of carceral states. Bosworth states this is not entirely correct as there is a growing interest not only in the immigrant population but in undocumented workers, criminal “aliens”, and enemy combatants (Bosworth & Kuafman, 2011:429). This focus on illegalities and on the migrant has revealed a tension between governance and globalisation (Bosworth & Kuafman, 2011:429). Barker describes this response as “globalisation of punitiveness” in which penal punishment becomes more severe in response to the perceived threat to security (2012:113). The analysis by Bosworth and Kaufman suggests two populations of foreign nationals are incarcerated: the first is held in jails and prisons pending

trial or for a conviction following a criminal offense, whereas the other is detained simply by immigration authorities (2011:429). However, this does not acknowledge the racialised element to enemy penology. Scholars, when viewing the American and European contexts, have found that the increased anti-foreign sentiments were based on host populations feeling politically and economically threatened (Barker, 2012:116). This creates an exclusionary process by which foreign bodies are categorised as being unwelcome by host citizens. Borders have become sites of exclusion in that they employ spatial tactics as a method of controlling people, objects and their movement (Mountz, Coddington, Catania & Loyd, 2012:525). These spatial tactics and power relations mutually reinforce and feed into one another.

2.2.2 Detention

Detention is intended to be connected with procedures of removal of foreign nationals and not as punishment (Legomsky, 1999:531). Other scholars assert that the aim of detention is to contain and locate the identities of migrants for the fear of the unknown (Mountz et al, 2012:326). Furthermore, it is also argued that detention seeks to distinguish between the desirable and the undesirable (Hermándeex, 2012:357). In this distinction between the wanted and the unwanted, detention is seen to be divided along lines of class and race. These lines of distinction are used as identifiers of unwanted groups or populations (Hermándeex, 2012:358). The “unwanted” are often referred to as criminal aliens, “allowing for immigration law to become an extension of criminal law” (Hermándeex, 2012:359-360). These conceptualisations of detention are progressive, where scholars like Legomsky placed detention within the realm of legality whilst removing the body from this realm or rather did not acknowledge the importance of bodies in his understanding of detention. Legomsky stated that there are three primary theories behind detention. The first two theories are to prevent individuals from escaping and sequestering those who are considered to be threats to society (Legomsky, 1999:536). The third theory pinpoints that detention could be used as a method aimed at deterring individuals from engaging in certain types of movement, namely those that would result in immigration violations such as illegal border crossings and rejected asylum claims (Legomsky, 1999:536).

However, there are some scholars who locate detention within the locus of power, specifically power relationships between bodies. Detention can be described as the response to “suspicious bodies that resist identification and classification” (Mountz et al, 2012:326). Further, detention is considered a temporary spatial process where the location has a direct impact on the rights of detainees and their ability to access information (Martin & Mitchelson, 2009:463). Detention facilities employ spatial tactics by being located in remote geographical locations, thereby geographically removing migrants, asylum-seekers and refugees from their connections with legal counsel, family and community support (Mountz et al, 2012:528). The extent of the role played by spatial tactics is dependent, to some extent, by the laws governing migration. For some countries like Australia and Britain, governments make strategic use of territorial boundaries to externalize through islands; in this manner they prevent asylum-seekers from reaching their territorial boundaries (Martin & Mitchelson, 2009:466). These governments are characterised as employing multiple detention strategies with the result that the location of detention facilities, such as being built on islands, have a direct influence on asylum-seekers’ access to rights and information (Martin & Mitchelson, 2009:467). Martin and Mitchelson also emphasise the importance of understanding the legality of detention spaces, as detainees are held under different circumstances, conditions and periods depending on the host or receiving country. It is widely characteristic of governments that they detain asylum-seekers, refugees and migrants indefinitely in remote locations; that they deny detainees due process, and prohibit their access to courts and legal counsel (Martin & Mitchelson, 2009:467).

2.2.3 Criminalisation of Immigration

Positioning migrants not only as *criminal* but also as *alien* produces the ultimate confirmation of national identity (Mountz et al, 2012:327). There is a circular rationale to the criminalisation of migrants - they “might” be criminal and thus detention is justified, and yet because they are detained they “must” be criminal (Mountz et al, 2012:324). For this reason, immigration law needs strong civic desensitization to migrant issues. In addition, the penal system and immigration law are increasingly being used as an extension of criminal law (Hermández, 2012:360).

The criminalisation of migration is characterised by the merging of administrative law and criminal law with regard to migration, borders and asylum (Kabul, 2014:94). There are five identifiable mechanisms through which criminal enforcement has entered immigration law:

- i. The institution of criminal penalties for immigration infringements.
- ii. Any criminal convictions can cause migrants to face immigration penalties.
- iii. The emphasis of criminal enforcement in immigration law.
- iv. Using tactics common to criminal law enforcement in immigration procedures.
- v. Specific to the US, state and local enforcement bodies are utilised to follow and resolve immigration offences (Kabul, 2014:94). This represents a disruption in the conventional understanding within criminal law and criminology (Aas & Bosworth, 2013:21).

The use of the police to enforce immigration laws clearly places the activity within the sphere of criminality, even though this measure can be described as punitive (Aas & Bosworth, 2013:22). Removal of migrants due to criminal activity has expanded exponentially not only in the US but in South Africa as well (Hermández, 2012:360, &). The propagation of criminal aliens has become a means to justify immigration policing efforts, where tactics include the use of race and class markers to identify targeted populations, predominantly those who are poor and black (Hermández, 2012:361). Legal procedures and barriers to migration produce illegality and vulnerability within migrant populations (Mountz et al, 2012:325), where at all times the threat of not complying with legalities is met with imprisonment (Hermández, 2012:360).

2.2.4 Gender in the carceral state and detention

Scholars have argued that detention is inherently gendered along race and class lines. The mobility of migrants threatens states and can be distinguished according to race, gender, class and sexual stereotypes. The mobility of migrants from outside spaces threatens domestic mobility and in response to this, states draw connections between security-focused interventions and immigrant policy (Mountz et al, 2012:529). Detention regimes are often employed differently for different people, particularly along racial and gender lines. The processes of ordering, identifying and classifying bodies are used by states to construct categories of illegality through exclusion. This act of exclusion becomes a strong statement

representation of *nation* and *belonging* (Mountz et al, 2012:530). Gender is used to delineate bodies that are deserving of special treatment and those who are not. This demarcation illustrates how the discourses of gender and sexuality create a paradigm of women as vulnerable and powerless, and men as “threats” (Mountz et al, 2012:531). Simultaneously there is little consideration for the human rights of people, men and childless women, in order to justify violent practices in detention and removals (Mountz et al, 2012:531).

Externalization of migration is best demonstrated by Lesvos, or Lesbos (a Greek island) often described as a transit point for migrants. In reality the Island is a prison where migrants are detained for an indefinite period, for weeks or months, while a process of identification is done by local authorities (Alberti, 2010:94). The Island saw activists marching to gain access to the detention centre and after negotiations, activists were able to ensure the full release of three people with illnesses and to ensure that women with small children would receive partial release (Alberti, 2010:138). However, despite being given the assurance of partial release, these women would not leave, and protested against this by refusing the partial relief because their “husbands and fathers” would not also receive partial release (Alberti, 2010:139). This reveals how gender techniques are often used to determine who is deserving of special treatment and to relegate women to the role of caregiver. This perspective is based on the framework of gender, where migrant women are viewed as powerless and more vulnerable, particularly when they have children, compared to men or childless women (Mountz et al. 2012, & Alberti, 2010).

Physical appearance allows people to be sorted into categories by which the unwanted and undesirable are identified, based on external markers of exclusion, such as race and class (Hermández, 2012:359). The process of imprisonment and detention is similar to processes of racialised framing, where poor people and black people are targeted, through methods of discourse and practices of racialised criminalisation (Hermández, 2013, & Mountz et al, 2012). Carceral spaces are not without agency on the part of people detained there. Prisoner resistance has been documented through the reclaiming of space, despite efforts to isolate, restrict and regulate them. Acts of resistance can take various forms, through some of the activities which are illegal but simultaneously transgressive (Dirsuweit, 1999:75). Scholars have explored further understandings of discipline, power, spatiality and how these interact with one another. A mechanism of discipline is created through the use of space by means of surveillance and spatial partitioning (Ying-ru, 2019:204). Spatiality is constructed between

power relations and gender (Koskela, 1999:111). This is done through regulation, segregation and surveillance of bodies (Dirsuweit, 1999:75). The spatial relation of detention centres and how they are constructed serve to simultaneously exclude and mould detainees according to the gendered discourse innate to the creation of these spaces.

2.3 Migrants, Asylum-seekers and Refugees in South Africa

Within the South African context, however, there has been a history of legitimising intolerance which has led to the current day suppression and refusal of government officials to acknowledge xenophobia. In this context, xenophobia can find its roots as a manifestation of modern necropolitics in the South African context (Beetar, 2019:122-1230).

Lindela Repatriation Centre (Lindela) is a facility used for the detention of so-called “illegal immigrants”, referred to as migrants, and forms the subject of debate in human rights and civil society sectors due to the treatment of its detainees. The population of people detained at Lindela is roughly 1360, according to 2014 statistics. Of the 1360, 1200 were men and the remainder were women — a disparity highlighting a crucial point of interest. Given the large difference between the number of women and men detained, the question arises: what are the experiences of these women within the carceral state and during detention. Lindela provides a unique case study from which one can seek to understand the broader experience of migrants, asylum-seeking and refugee women.

According to a Human Rights Watch report written in 1999, Lindela has a reputation of rights abuses, reporting that assaults were not uncommon. One in five people stated that they had been physically assaulted to some degree while being detained (Human Rights Watch, [s.a]). Later reports generated by Justices in South Africa further motivate the necessity for further research at the facility. Justice Edwin Cameron conducted a site inspection at Lindela, noting that detainees are more vulnerable to abuses as they are distinctly transient; in the process of movement. Furthermore, this state of movement means there is no long-term institutional or social discouragement against manufacturing complaints (Cameron, 2012:3). Despite this, officials reported that they would open criminal cases if there were any reported assaults. In addition, it was reported that prolonged detention was used as a means through which the co-operation of detainees was ensured, particularly with regard to their country of

origin. Further punitive measures were detailed in the report which included the use of teargas and sound bullets in the facility (Cameron, 2012:12-13). This included a debriefing with Facilities Management confirming that there were no isolation cells or any equivalent internal discipline mechanisms in place (2012:13). Justice Moseneke also visited the facility in 2014 and outlined in his report that he had found some improvement since Justice Cameron's report. His report stated further that many of the complaints were not repeated by detainees (Moseneke, 2014:7). The differences and similarities between these two reports highlights the multidimensional aspects of precarity, particularly for detainees, and the need for further academic research at the facility and into the facility.

2.3.1 Legislative and International Conventions

The identification of the foreign body is the ultimate expression of nationhood and what citizenship means (Mountz et al, 2012:324). Citizenship through a feminist lens is constituted by "inclusion" or "exclusion" enacted by discriminatory legislation (Gouws & Galgut, 2016:4). In order to understand the South African context, it is necessary to take note of its legislation around immigration, particularly with regard to refugees. Changes in legislation indicate shifts in attitudes towards immigrants along lines of race and class. Further, it is necessary to highlight the recent introduction of the National Prevention of Torture Mechanism and the role it can play in protecting those in precarious spaces.

a) Legislations and Policies

When the African National Congress (ANC) won the elections in 1994, it inherited a strong penal system from the apartheid government. This penal system was used to control migration flows (Sutton & Vingeswaran, 2011:627). Along with the penal system, the ANC government inherited the Aliens Control Act of 1991 (Klaren & Ramji, 2001:37). Since 1994 there have been a number of changes and amendments to legislation as outlined below, which have signalled shifts in South Africa's approach to migration.

The Immigration Act of 2002 followed the Aliens Control Act 1991 and was amended four times between 2002 and 2014. The first was the amendment to Prevention and Combating of Corrupt Activities Act 12 of 2004 (Republic of South Africa, 2004). Thereafter, the Immigration Amendment Act 19 of 2004 signalled increased governmental interest in

facilitating the migration of skilled labour (Pokroy, 2005:31). The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Republic of South Africa, 2004 & 2007) followed. Lastly, there are the Immigration Amendment Act 3 of 2007 and the Immigration Amendment Act 13 of 2011 (Republic of South Africa, 2007 & 2011). While shifts in legislation are important, more recent changes to immigration law is of particular concern to this research.

Legislation has evolved further with the White Paper on the International Migration for South Africa, released in July, 2017. This shift has become the de-facto policy of the DHA as seen through the Refugee Reception Offices (RROs) closures. The Paper sparked outrage from civil society and the Human Rights sector. The South African Human Rights Commission (SAHRC) released a call for comment on the Paper to which several civil society organisations, NGO's and rights organisations submitted comments for the National Hearing on Social Cohesion and Xenophobia in South Africa. The comments have highlighted ways in which the Bill undermines the constitutional right of particularly refugees and asylum-seekers.

The Scalabrini Centre in Cape Town, a non-profit organization, has highlighted that discrimination against foreign nationals is present in the public sector, including in the DHA, hospitals and clinics. Public administrators effectively permit or prohibit individuals from exercising their basic rights (Scalabrini Centre of Cape Town, 2018). Scalabrini describes this behaviour as structural discrimination where front-line officials act autonomously and implement national policies in an "extra-legal" and "arbitrary" manner, which in turn can reinforce anti-foreign national attitudes (Scalabrini Centre of Cape Town, 2018). Lawyers for Human Rights (LHR) outline that state-level discrimination can be seen through Operation Fiela Two, which saw hundreds of foreign nationals unlawfully arrested and detained in South Africa (LHR, 2018). Operation Fiela Two was described by LHR as similar to a state of emergency under apartheid; where the rule of law was suspended with the use of repression and force to counter political opposition (LHR, 2018).

In addition, the LHR maintains that the Refugees Amendment Act 11 of 2017 has provisions which undermine the constitutional rights and legal protection of persons fleeing persecution and insecurity (2018). Provisions which have incited the greatest concern are limitations placed on the right to work in disregard of court decisions and border processing facilities

(UNHCR, [s.a]). Border processing facilities will function similarly to camps, or at the very least, to detention centres, and impede migrant integration into South Africa (Jesuit Refugee Services, 2018). The Jesuit Refugee Services also highlighted that the White Paper was discriminatory, “regressive” and “impractical”. This White Paper places an emphasis on having skills or capital, which actively discriminates against certain categories of migrants. The amendments would affect the ability of families to unify, placing a limitation on dependents, cause secondary trauma through an indeterminate time of detention and turn people into permanent refugees (Jesuit Refugee Services, 2018). The release of the White Paper was followed by the Refugees Amendment Act 11 of 2017; however, late 2019 saw the Refugees Amendment Act 11 of 2017 come into effect from January 1, 2020 (Republic of South Africa, 2019).

There is a belief at the Department of Home Affairs that most refugees are not escaping from war-torn countries, but are rather young men looking for “better economic opportunities” (Postman, 2018). The South African Human Rights Commission is currently investigating the Department of Home Affairs, accusing it of being institutionally xenophobic (Postman, 2018). The rejection rate currently stands at 96%; with the Department of Home Affairs stating that this applies explicitly to asylum-seekers who have admitted that they are in South Africa for economic reasons (Postman, 2018).

b) National Preventive Torture Mechanism (NPM)

In order to understand why the NPM is important, it is necessary to be familiar with the legislation which protects the human rights of people in prisons as well as those in detention facilities. There are several Acts which regulate the functioning of prisons in South Africa. Among these are the Correctional Services Act of 1998, which was amended through the Criminal Procedure Act of 1977; the 2005 White Paper on Corrections and the 2014 White Paper on Remand Detention Management in South Africa. The White Paper on Remand Detention Management in South Africa only mentions immigration and illegality once throughout the document, in which illegal immigrants are described as “foreigners who are not charged with a crime but are in the country illegally” highlighting the intersection between administrative law and criminal law, and placing immigration violations firmly in the realm of criminality (Kabul, 2014., & Aas & Bosworth, 2013). It further highlights the

relationship which exists between the Department of Correctional Services and the DHA (White Paper on Remand Detention Management, 2014:25).

In addition to domestic legislation, the National Preventive Torture Mechanism (NPM) was launched in March 2019. Both Houses of Parliament ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (South African Human Rights Commission, 2019). The OPCAT aims to put forward international and domestic mechanisms to be employed in the prevention of torture. This protocol calls for states to ensure that torture, inhumane or degrading treatment or punishment should be prohibited and that the use of these represents grave human rights violations (United Nations Human Rights, [s.a]). The OPCAT sets up international and domestic mechanisms for torture prevention through visits to places of concern, in order to prevent torture and other cruel punishments or treatment.

South Africa ratified the OPCAT on 20 July 2019. South Africa has chosen the SAHRC to co-ordinate and work in the NPM together with other overseeing bodies such as the Judicial Inspectorate for Correctional Services (JICS) and the Independent Police Investigative Directorate (IPID) (South African Human Rights Commission, 2019). The establishment of the NPM plays an important role in ensuring that the legislation around the Prevention of Combating and Torture of Persons Act 13 of 2013 is enacted throughout South Africa's penal systems. It also relates directly to the treatment of people detained at Lindela; as does the Refugees Act (South African Human Rights Commission, 2019).

2.3.2 Migrant experiences in South Africa

Given the context provided through a review of the legalisation of South Africa and the international conventions to which South Africa is a signatory, the next section will break down some of the migrant experiences in South Africa into four parts. The first of these deals with *Policies in Action*.

c) *Policies in action*

A number of bureaucratic challenges are faced by migrants in South Africa, which hinder or cause barriers for the regularisation of their stay in South Africa. Policies and legislation are

in place which protect the rights of migrants, asylum-seekers and refugees. But practices and attitudes within the DHA are continually shifting; which indicates a disinclination to enact these rights and provisions (Amit & Kriger, 2014:269). It has been argued by a number of scholars that DHA officials create barriers to foreign nationals for obtaining documentation and permits (Amit & Kirger, 2014, Sutton, Vingeswaran & Wels, 2011, Klaaren & Ramji, 2001). The bureaucratic autonomy of departments like the DHA often gives rise to policy objectives and practices which diverge from the legislative framework (Landau & Amit, 2014:535).

Procedural irregularities are well-documented in literature. Sutton and Vingeswaran highlight several procedural irregularities which they have encountered. Procedural irregularities include arrests and detention of those with valid documents, the “failure” to confirm or refute the validity of documents and claims regarding their immigration status (Sutton & Vingeswaran, 2011:632). Officials do not inform detainees of their rights or of decisions to deport them and they hinder detainees from maintaining valid documents. Officials are also often able to keep detainees for periods exceeding the limits of detention set out in statutory regulations (Sutton & Vingeswaran, 2011:632). Crucially, officials are unable to maintain acceptable conditions at Lindela. Despite successful litigation on the part of legal NGOs, practices continue within and officials are never admonished for their actions (Sutton & Vingeswaran, 2011, Landau & Amit, 2014).

There is no rhetoric of integration in South Africa or in South African legislation (Klaaren & Ramji, 2001:39). Themes of control and illegality are present, not only in legislation but also in the rhetoric of officials (Klaaren & Ramji, 2001:39). When viewing the most recent White Paper on Immigration, one sees a significant shift in policy towards the *de facto* *modus operandi* of the DHA. In a parliamentary meeting, Deputy Minister Fatima Choman told the committee meeting that the closure of the RROs was done in the lead-up to the White Paper and moves were planned for asylum centres to the borders (Parliamentary Monitoring Group, 2018). This highlighted that even prior to the White Paper, the Department had internally decided its own policy objective when it came to the processing of asylum-seekers’ and refugees’ applications. This highlights how extra-judicial powers are exerted by the department (Sutton & Vingeswaran, 2011:628). The production of law and its movements are no longer distinguishable from one another (Sutton & Vingeswaran, 2011:628). The extra-

judicial powers exerted by the Department indicate that it produces immigration law and that its movements are determined by this production (Sutton & Vingeswaran, 2011:628).

One of the primary bureaucratic challenges which asylum-seekers and refugees face in particular, when attempting to regularise their stay, is the malfunctioning and closure of the Refugee Reception Offices (RROs). Refugee Reception Offices have been closed in Port Elizabeth and Cape Town since 2011 and 2012. An RRO is the primary point of contact between asylum-seekers, refugees and the government. There are five RROs in South Africa: at Musina, Durban, Pretoria³, Port Elizabeth and Cape Town. The RROs facilitate the process for an individual to become an asylum-seeker and eventually to gain refugee status. An asylum-seeker is given a Section 22 permit which is valid for one month to six months at a time. The adjudication process is only meant to take six months but there are many cases where it has taken decades (Jesuit Refugee Services, 2018).

Given that each applicant must present in person and given that asylum (Section 22) permits are only valid for periods of one month to six months at a time, the lack of RROs in Cape Town and Port Elizabeth have had a severe impact. The RRO in Port Elizabeth was reopened in October 2018, but already faces a significant backlog (Lawyers for Human Rights, 2018). Correspondence with an attorney at the Centre for Law in Action in Port Elizabeth, stated that the backlog can be seen through appointments given to newcomers. During the month of July 2019, Ethiopians were receiving appointment dates for interviews in August 2020 (Fourie, 2019). The significant backlog and waiting period for applicants for appointments illustrate the difficulties and barriers asylum-seekers and refugees face in order to gain recognition from the government. The refugee reception system does not function as intended by legislation partly due to capacity issues and the institutional culture of the DHA (Vingeswaran, 2008:45). In addition to this, many applicants report that they were not able to receive an asylum permit on their first visit to an RRO and often have to make multiple trips to an RRO before gaining access (Amit, 2012:10).

In some research papers it has been shown that fifty-three percent of asylum-seekers have had to spend the night outside an RRO to gain access. Long queues have created openings for corruption and crime to thrive (Amit, 2012:10). In addition, the DHA has not established

³ Known as Marabastad and the Desmond Tutu RRO

lowest possible educational requirements for officials and status determination officers at the Refugee Reception Offices (Landau & Amit, 2014:542). The absence of educated officials coupled with a lack of training and resources provided to officers to investigate or research, means that positive decisions to grant asylum status are met with suspicion and are automatically reviewed for corruption (Landau & Amit, 2014:543).

These procedural irregularities and difficulties in obtaining legal status cause migrants to choose informal crossings. Research has indicated that there are three primary reasons why migrants from Zimbabwe choose to cross into South Africa both legally and illegally. Their research showed that the immigration cycle for illegal migrants was characterised by a preliminary illegal entry then followed by arrest and then deportation back to their country of origin (Machecka, Lunga & Musarurwa, 2015:252). The spread of HIV/AIDs played an important role in the choice to migrate since treatment is available in South Africa compared to neighbouring countries. Health issues in this sense become motivating factors for illegal immigration into South Africa (Machecka, Lunga & Musarurwa, 2015:253). Another factor for motivating illegal migration found in this research is that historically, communities along borders have a history of marrying and sharing among themselves. For these people, the issue of documentation and borders are seen as colonial, and crossings as such are not considered illegal (Machecka, Lunga & Musarurwa, 2015:253).

Procedural irregularities tend towards corrupt activities on the part of DHA officials. In a research report conducted by Amit, findings showed that asylum-seekers and refugees experienced corruption throughout the asylum application process and even after (2015:3). But rather than responding to the factors which produce corruption, the Department responds only to individual allegations of corruption (Amit, 2015:3). This corruption is not only reserved for officials inside reception offices nor at DHA offices, but can be found in the queue waiting outside for entry. In the case of RROs, more people experience corruption, paying bribes to gain access or to obtain services, while waiting in the queues outside the RRO (Amit, 2015). Some migrants however, work with corrupt officials in order to obtain South African identification documents (Muzondidya, 2015:10). The criminalisation of immigrants reveals itself in the illegal market surrounding the acquisition of immigrant documents in order to remain legally in South Africa (Alfaro-Velcamp & Shaw, 2016:987).

The limited literature on criminalisation in South Africa shows that criminality is created in two ways: through procedural irregularities and bureaucratic challenges to regularisation. In so-called strong passport countries, like South African, asylum-seeking processes have become criminal justice procedures (Moshenberg, 2016:113). DHA practices towards both migrants and refugees have become increasingly focused on security-centred approaches (Landau & Amit, 2014:541). The DHA's customs of detention have started to function outside the procedural sureties of the law, so that economic migrants can be deported effectively (Landau & Amit, 2014:541). Foreign nationals are often located in criminal networks.

A Police Commissioner stated that sixty percent of violent crimes are committed by illegal immigrants; however this statement alone does not provide enough detail and only serves to fuel xenophobia (Newham, 2017). More recently, police raids were conducted in the Johannesburg CBD for illegal goods in which several foreign nationals were arrested (Police raid several Joburg CBD stores, 2019). While discussing the raids, the spokesperson for SAPS Gauteng stated that some of those who were arrested were illegal immigrants (Mabuza, 2019). Linking immigrants and often by extension, refugees and asylum-seekers, with criminality is done throughout various levels of government. The action of doing this places immigration in relation to criminality or synonymous with criminality. Due to asylum-seekers and refugees often being misconstrued with economic migrancy, they are often detained as illegal foreigners in contravention of international refoulment and domestic law. These detention procedures are seldom reviewed by courts and in effect represent extra-judicial powers of the DHA (Landau & Amit, 2014:542).

Liminal spaces can be described as lengthy periods of waiting for documentation or tied up in deportation procedures (Sutton, Vingeswaran, & Wels, 2011:30). The experience of waiting evokes feelings of helplessness, powerlessness and vulnerability (Sutton, Vingeswaran, & Wels, 2011:30). Liminal spaces are also created in response to criminalisation, where the DHA produces illegality through “dignity-destroying” procedures like those found at RROs (Klaaren & Ramji, 2001:44). The concepts of liminality and liminal persons are often associated with death, invisibility, or darkness (Sutton, Vingeswaran, & Wels, 2011:31). The act of waiting is often earmarked for the less powerful and can be an emotional experience, especially for those faced with the threat of illegality and deportation (Sutton, Vingeswaran, & Wels, 2011).

2.4.5 Gender and Migration in South Africa

There have been several studies which have focused on the difficulties faced by refugee women in South Africa. They are predominantly focused on women who reside outside the carceral system. This presents a gap in the available literature on the difficulties faced by women while detained in South Africa. There have been some researchers who have sought to distinguish between gendered experiences which have examined the experiences of these immigrants both during their flight and being in the country (Wambugu, 2003; Magwaza & Khumalo, 2003).

Literature has also sought to examine the relationship between nationalism and asylum while examining the implications for women as well as gender discrimination existing in policy (Palmer, 2003 & Valji, de la Hunt & Moffet, 2003). With research being done on the implications for women both theoretically and in practice, it has become clear that there is little literature which focuses on immigrant women in the South African carceral system. Places like the Lindela Repatriation Centre offer researchers an opportunity to study the precarity of women within the carceral system in the hopes of identifying the dimensions of precarity that these women face. Lindela has been discussed in literature, but not from this perspective.

2.4 Conclusion

It can be concluded that the carceral state and precarity go hand in hand; by means of which the carceral state exerts its sovereignty. In exercising sovereignty by the sovereign state, bodies are identified, constrained and deemed fit or unfit. This process creates precarity for migrant populations and they are viewed as removed from society because they are constructed as undesirable by the state. In the case of South Africa, Lindela represents the height of this exclusion, where processes and procedures obstruct the stay of migrants, refugees and asylum-seekers in the country and contribute to the precarious conditions in which they find themselves.

Chapter 3

3. Methodology

3.1 Introduction

Limited research has been conducted into the relationship between gender, incarceration and migrants in South Africa, and if or how these intersections are gendered. Much of the research has been conducted in the West, as discussed in the literature review. This research is best described as explorative, due the limited research that has been conducted previously in the South African context. The researcher's choice of a case study at Lindela Repatriation Centre is due to it being the only detention centre in South Africa. This case study aims to understand precarity for the women and men held at Lindela. A questionnaire was developed to identify conditions of precarity. This chapter outlines the research strategy undertaken by the researcher, and describes the data collection process, the research setting, and the research participants. The data processing, analysis and the ethical considerations of this research are also discussed.

3.2 Research strategy

This research aimed to identify gendered conditions of precarity for foreign nationals in South Africa. The research explores both the reasons for migration and lived experiences while in South Africa, and conditions of precarity experienced by those detained at Lindela. The objective of this research is to understand the gendered nature of these experiences. Feminist research methodology finds its roots in the lived experiences of participants (Bless, Higson-Smith and Sithole, 2013:338). Given the focus on participants' lived experiences, the best data collection method for this type of research is qualitative. Qualitative data methods are best suited to the objectives of this research due to the rich information which can be collected by investigating the lived experiences of potential participants. Furthermore, it is important that from the start, the study is focused on the stories of detained migrants, refugees and asylum-seekers, making quantitative analysis unsuitable for this study's aims. The aim of this study is not to offer definitive answers, but to provide insights, further understanding and to inform whether further research is needed.

This research also aims to identify whether there is a gender gap in the ways in which men and women experience entering South Africa, being arrested and being detained at Lindela. The interview questions were developed using Butler's notion of precariousness (2004) and

were aimed at understanding the conditions of precarity faced by informal immigrants, refugees and asylum-seekers. The questions asked are aimed at exploring their journey from their country of origin to South Africa, their experience in South Africa (particularly with DHA and SAPS), and their experience of detention and precarity. By asking men and women participants the same questions, gender becomes an explanatory variable.

Semi-structured interviews were conducted using a questionnaire which included open-ended questions and were therefore compatible with exploratory research (Bless, Higson-Smith & Sithole, 2013:210). Explorative interviews have the advantage that they do not impose a structure, and they collect information on what respondents feel is essential. This method has disadvantages too: it can be time-consuming; it is difficult to standardise and analyse; it is prone to bias (Bless, Higson-Smith & Sithole, 2013:217).

This research was conducted as part of a structured masters degree and therefore the number of participants the researcher was able to interview was limited. The lack of time limited the sample size from which inferences could be drawn. Therefore, the study draws, instead, from commonalities between participants, and explores gendered responses.

3.3. Data Collection

The primary tool for data collection in this study was a semi-structured interview. The semi-structured questions encouraged rich and meaningful responses from participants and formed the researcher's primary data. Interviews consisted of semi-structured questions set out in Appendix 3, addressing four areas. These areas were: 1) demographics of the participant, 2) the migration story of the participant including their travel to South Africa and their arrival, 3) their experience of arrest, and 4) their stories of the conditions of precarity. In addition, the interviewer included questions which were aimed at assisting the interviewee to remain on topic, or to provide further information. Semi-structured interviews were chosen as they allow for a holistic view of lived experiences, and enable participants to decide what will be shared or not. This gives participants the freedom to choose which information they will share with the researcher.

Interviews were voice-recorded with the consent of the participant, and notes were taken during the interview. The recordings were then stored by self-assigned participant number as soft copies, on a laptop with a password. Notes that were taken during the interviews by the researcher were used together with the audio recordings, to compile detailed notes of the interview for analysis.

Initially, the time allocated for interviews was between sixty (60) and ninety (90) minutes. However, the conducted interviews lasted between twenty-eight (28) and sixty (60) minutes. If participants wished to withdraw, they were allowed to do so at any given point. Recordings of the interviews will be kept electronically in a password-protected file for five years after the completion of this research.

3.4 Setting and Participants

The focus of this research was to identify conditions of precarity for migrants in South Africa. The research sub-questions were used to focus this research and relate to detention at Lindela. Lindela was selected as a case study, because it is the only detention facility in South Africa. The researcher aimed to have a sample consisting of eight men and eight women, in order to make comparisons and generate insights regarding a gender gap.

During the course of preparing for the research, the researcher found little information available on detainees at Lindela. There was no clear information in the public domain regarding nationalities and languages spoken at the facility. This made it difficult to determine potential participants and any language barriers that might be encountered. Therefore, the sample was only defined according to gender and not according to nationality, race or age.

Lindela is under the jurisdiction of the Department of Home Affairs (DHA), however BOSASA⁴ runs the facility in terms of security, management and provision of services. The researcher experienced some initial difficulties in participant sampling. Initially, a flyer was

⁴ BOSASA is a South African company providing specialized services to the government. Most notable are the prison management services. The company has been deeply implicated in the Zondo Commission of Inquiry.

intended to promote the study to potential participants, but this strategy was rejected by the Lindela management, an action which was beyond the researchers' control. DHA officials initially brought participants to the researcher without explaining the nature of the research to them. This could have led to biased selection of participants. To mitigate this, the researcher advertised the study in person, and emphasised that participation was voluntary. It is unclear if the actions of the DHA were an attempt to skew the results of the research. This was addressed through discussions between management and the researcher, highlighting the importance of voluntary participation, ethical concerns and methodological considerations. Thereafter, with the agreement of DHA management, the researcher was able to meet with potential female participants to explain the research and its objectives. Conversely, DHA officials and BOSASA security felt it would be unsafe for the researcher to do the same with potential male participants. The researcher was able to speak to potential male participants through an intercom system. The researcher read the research advertisement flyer through the intercom system in the men's section, and from this volunteers came forward to take part in the research interviews. To keep the interview process simple, interviews were conducted with participants who could speak English, and care-packages were offered to participants after the interview was concluded. The table below outlines a summary of the interview schedule.

Table 1 Summary of Interviews

Date	Venue	Number of Participants
19/06/2019	Boardroom	2 Woman
20/06/2019	Boardroom	2 Woman
21/06/2019	LHR Office	6 Men
24/06/2019	LHR Office	4 (2 Men and 2 Women)

3.5 Data processing and analysis

Data processing comprised three elements: recording the interviews electronically; field notes taken by the researcher during the interview; then combining these elements in the form of comprehensive interview notes. Interviews were recorded electronically using a laptop and

each recording was saved with the participants' self-assigned participant number. During the interview, the researcher made notes with information relating to the research objectives. The questionnaire was designed with the research objectives and four overarching sections in mind. The four sections covered were: *Demographics* in Section 1, *Migration Story: Travel Story to South Africa and Arrival* in Section 2, *Migration Story: Experience of Arrest* in Section 3 and finally *Migration Story: Conditions of Precarity* in Section 4. Dividing the questionnaire into four sections was useful to separate questions by research objectives, and helped with the data analysis. It also assisted the researcher with writing up the in-depth interview notes. Some of the questions covered multiple research objectives — this was useful to address each of the objectives. The table below shows the questionnaire structure and how the questions relate to the overall research objectives.

Table 2 Questionnaire Structure and Set-up

Section	Objectives	How questions relate to the objective
1	Objective 1	Contains demographic information that is useful to the research. Literature showed that the carceral state distinguishes between individuals based on race, gender and class.
2	Objective 2 & 3	This section aims to gain the participant's migration story from travel, experiences in travel, hazards faced, familial ties, responsibilities and safety. This aims to address conditions of precarity while migrating, and how these differ along gender lines.

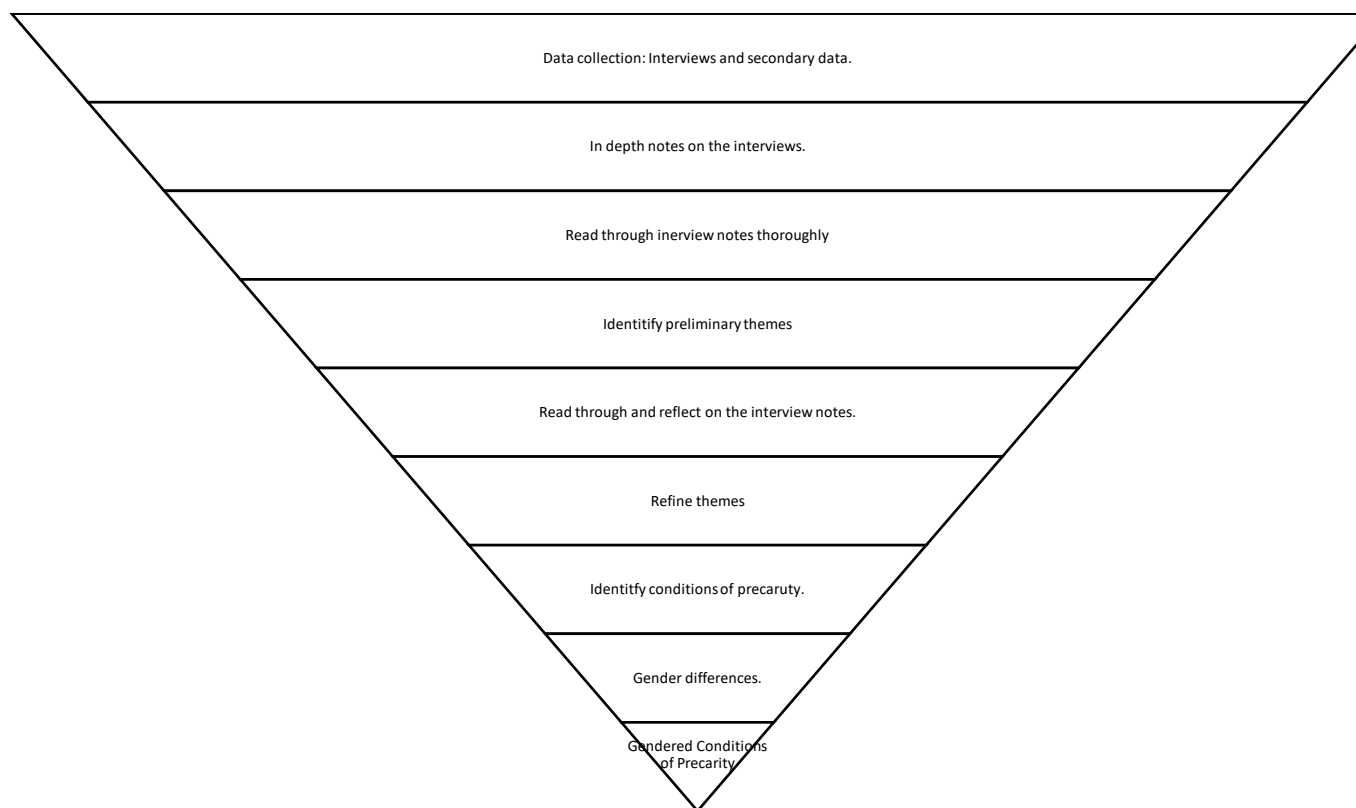
3	Objective 3 & 4	These questions aim to explore precarity in the daily lives of participants, their experience of arrest, and detention.
4	Objective 4 & 5	These questions directly relate to exploring conditions based on participant experiences. These questions were developed from Butler's conceptualisation of precarity (2004).
Whole	Objective 5	This questionnaire was designed to elicit responses from men and women, using gender as an explanatory variable.

After the in-depth interview notes were completed from the data collected, the text was carefully reviewed to identify common themes. Preliminary themes were identified based on first impressions, and refined by re-reading the interview notes. Themes were then colour-coded and highlighted in the interview notes. Identified themes were divided into four broad components: *reasons for leaving*, *circumstances of arrest and criminalisation*, *life at Lindela* and lastly *limbo*. These themes and the varying responses were analysed to identify conditions of precarity. Responses were then analysed to identify variations in responses according to gender. These variations in responses are understood by the researcher to denote the gender gap which allows for gendered conditions of precarity to be identified.

The diagram below illustrates the process by which the data was collected and analysed during this study. It is important to note that revisiting the data is a common theme and shows that data analysis is not a linear process. (Spencer, Lewis & O'Connor, 2003:212) The first step in the data analysis process is to collect the primary data through interviews and secondary data by identifying themes with the help of previous literature. From recordings

and field notes made during the interviews, in-depth notes were written up detailing participant responses. Next, the interview notes were reviewed thoroughly to identify preliminary themes. After preliminary themes had been identified, the interview notes were revisited to refine the themes further. This was performed with the help of constructing a table of the preliminary themes identified. Once the themes were improved on and refined, they were used to identify conditions of precarity and to distinguish the gendered responses of participants.

Table 3 Data Analysis Process



3.6 Reliability and Validity in Qualitative Research

Reliability and *validity* are terms which are most often encountered in quantitative research and the natural sciences. *Reliability* is a term used for testing and/or evaluating quantitative research. However, when considering the approach to qualitative research, reliability can be tested through testing the quality of information gained (Golafshani, N. 2003:600). While *validity* is not easily defined, it can be described as a “qualifying check or measure” in research (Golafshani, N. 2003:602). Considering that these terms find their roots in quantitative research, it is challenging to reconcile reliability and validity in qualitative

research. Reproducibility in reliability, often called *intercoder reliability*, is most appropriate for this research. Intercoder reliability measures whether different coders would code data the same way (Campbell, Quincy, Osserman, & Pedersen, 2013:296). The use of intercoder reliability in in-depth semi-structured interviews is under-discussed in literature, and little guidance is provided (Campbell, Quincy, Osserman, & Pedersen, 2013:297). The use of field notes is useful to ensure a measure of reliability within research (Evans, Dresang, Campana & Feldman, 2013:248-249). The researcher tried to ensure that the interview notes were as comprehensive and as close to a transcribed interview format as possible. It is important to note that no observation is free from underlying biases and assumptions (Seale, 1999:149).

3.7 Ethical considerations

The researcher obtained ethical clearance from the Stellenbosch University Ethical Clearance Committee (Humanities) and permission from the DHA (Addendum 1 & 2 respectively). Following the guidelines outlined by the University, each participant was required to sign a consent form (See Appendix 5) and received an information sheet outlining the researcher's contact details, as well as those of the relevant department and a social worker who was on standby in case the research triggered trauma. The consent form outlined the following:

1. The purpose of the study and types of questions asked;
2. Any possible risks and discomforts;
3. The potential benefits;
4. That participants would receive care packages as a token of appreciation after the interview;
5. An explanation of how confidentiality would be maintained;
6. Ability to withdraw from the study at any time;
7. Contact information of the researcher, the Department of Political Science at Stellenbosch University, and the on-call social worker.

The consent form and research information were communicated verbally while the participant read along. After that, participants could ask questions if they sought further clarification, and then they stated their willingness to participate in the research.

It was essential to acknowledge the vulnerability of the target sample. Recognising that it was impossible to keep complete anonymity of the participants, the researcher asked them to self-assign their participant numbers. This was done through writing out numbers 1 to 60 on a page, from which participants could select their participant numbers.

In further acknowledgement of the participant's vulnerability and the nature of the research question, the researcher sought to ensure the psychological wellbeing of the participants. The researcher made several enquiries to the Department of Home Affairs, Facilities Management at Lindela, the SAHRC, the Red Cross and Lawyers for Human Rights about psychological services. However, the researcher was unable to find any indication of psychological services provided to detainees. The researcher was able to, through funding provided by the SARChI Chair in Gender Politics at Stellenbosch University, have a social worker on call, since vicarious trauma associated with this kind of research had to be considered. To address this, the researcher made use of psychological services available. Vicarious trauma can be defined as compassion fatigue, secondary traumatic stress or secondary victimisation (American Counselling Association [s.a]).

3.8 Reflections and Limitations

Through the use of a case study, the observations made in the research are not able to provide sufficient generalisation which can be applied to other facilities like Lindela. However, this research contributes to the field of studying precarity, detention and the carceral state and may encourage further similar research through which comparisons can be made. This research could prompt more research into the conditions of precarity for detained migrants, refugee and asylum-seekers.

One should also consider the difficulties researchers could face when trying to gain access to the research sites. It took more than a year to gain access to Lindela through the Department of Home Affairs. The SAHRC aided the researcher informally in gaining access to the facility. The researcher began applying for access through the Research Unit at the DHA, but for many months, received little to no feedback. The upper management of the DHA appeared not to be willing to allow research to be conducted, citing “security reasons”. Through correspondence with a member of staff at DHA, it became clear that they viewed

the research as a security risk. This kind of bureaucratic challenge can result in researchers not being willing or able to enter detention facilities.

Furthermore, once at the facility, the researcher encountered arbitrary power plays with the management of the DHA, and there were frequent interruptions during interviews and initial problems with sampling for participants. Initially the researcher was not able to advertise (using flyers) to obtain the sample. This was solved through dialogue and discussion with the management at various levels. On three occasions, the interviews were interrupted by DHA members of staff and BOSASA staff, in addition to BOSASA security being present outside interview venues. This might have had a negative impact on the participants, but it did not appear to be so to the researcher.

3.8 Conclusion

This chapter summarises the research strategy which was undertaken by the researcher. The research strategy informed the methodological decisions for conducting the research. The nature of the research was to be an exploratory case study of the Lindela Repatriation Centre in Krugersdorp. The questionnaire was designed based on the research objectives and Butler's theorisation of precarity. The questionnaire aimed to explore the conditions of precarity among detained migrants. Primary data was collected through semi-structured interviews with detained people at Lindela. The participants comprised eight men and six women who were interviewed over a total of four days. The interviews were recorded and used to make in-depth research notes on participant responses to the questions asked. Analysis of the data took place in several stages, and included revisiting the interview notes. As a first step, preliminary themes were identified; these themes were then refined further through revisiting the interview notes. These themes were subsequently used in conjunction with secondary data captured in the literature review, to identify conditions of precarity and how they differ along gender lines. Finally, this chapter discussed the limitations of the study and ethical considerations of the research approach. Chapter 4 will provide an account of the primary data collected in the interview process.

Chapter 4

Data Description

4.1 Introduction

This chapter will form the basis of the data description, from understanding the text to the identification of themes. Thereafter, the identified themes will be discussed in relation to participant responses. This chapter is divided into three broad themes:

- i. Reasons for leaving;
- ii. Circumstances of arrest and criminalisation;
- iii. Life at Lindela.

These broader categories will then be further sub-divided into themes identified through understanding the text. *Reasons for leaving* includes social, political and economic circumstances highlighted by participants. *Circumstances of arrest and criminalisation* will explore participant's experiences of criminalisation and arrest. *Life at Lindela* will describe data around power over bodies, discrimination and experiences of limbo. Lastly, gendered experiences will be explored through interrogating the gender gap in participant responses.

4.2 Understanding the text

This section will further demonstrate how the analysis was carried out. Once reading through the text (research notes), the researcher was able to identify broad themes which emerged from the interviews. From this, the researcher was able to refine the themes further and these themes were then further refined for conciseness and descriptiveness. The researcher initially identified themes of concern to the overall research question; the interview questions can be found in Appendix 3. After having concluded the initial identification of themes, the interview notes were once more reviewed. The interview notes allowed the researcher to be able to refine further themes that were common, even though the experience differed from participant to participant.

The table below will illustrate how the themes were further refined.

Table 4 Condensed themes

Section 2: Reasons for leaving	Section 3: The carceral state	Section 4: Fear
Insecure crossings 38, 3, 13, 33, 31, 40, 28,60	Criminalisation All participants except:	Fear and experiences of sexual violence
Social, political and economic insecurity	Limbo	Uncertainty and inability to plan
Barriers to legalization	Barred from legal council	Deportation at their own cost
Psychological and familial stressors	Prison-like conditions	Verbal attacks in Lindela
	Vulnerable to arbitrary power	Physical attacks in prison
	Torture	Safety never-ending concern
	Lack of nutrition	Hopelessness
	Barriers to health care because they are foreigners.	Loss of life.
	Cut off from family and friends.	
	Isolation cells used for punishment	
	Support dependent on people from the country of origin.	

From this, the researcher was then able to condense the themes further to make them as concise as possible. These themes will be used as headings throughout the data description section of the chapter, and umbrella themes will be used and then further divided into sub-

themes under each. Each theme will be described briefly, and after that, sub-themes will be laid out.

4.3 Data description categorized according to themes

The following subsections are the themes which were identified in the data analysis process. The responses from participants are written in italics; quotes have quotation marks, while questions asked by the researcher are written in bold.

4.3.1 Reasons for Leaving

a) Social, economic and political circumstances

The drivers which cause people to migrate are often a complex set of factors. Two of the participants interviewed narrated the traditional understanding of fleeing from persecution in their countries of origin. Other participants cited economic conditions as the reasons for their migration from their country of origin. Firstly, this section highlights the economic reasons given by participants for migrating. Following this section, the researcher will interrogate the social and political circumstances, such as persecution, as motivations for migration.

One of the participants recounted that Zimbabwe was “*tough*” and “*hard*” whereas South Africa was perceived to provide better economic opportunities. The participant further stated that Cyclone Idai had destroyed her home. This was echoed in another participant’s interview; she stated that she was not well-educated and had decided to come to South Africa for work opportunities in order to provide for her children. Another participant narrated that she had left because of the economic hardships, “*I became an orphan at a young age, mother passed away when I was 16 and my father when I was 20.*” She then married young but later was divorced after having had three children. She described the economic situation in Zimbabwe in the early 2000s, resulting in her and her husband losing their shop. At the time she left Zimbabwe, she had not known that she was pregnant.

A participant from the group of men outlined that he was responsible for supporting his family, which prompted his decision to come to South Africa looking for economic

opportunities. However, despite finding employment in South Africa, he stated he had difficulty in being paid by his employers. Another man described abusive domestic conditions from which he had run away at the age of 11 and was only 16 when he came to South Africa. He had met a truck driver who had told him he was “*suffering*”, and he would be better off in South Africa. Another participant explained that he was the eldest son and responsible for the financial welfare of his mother and sisters. He had decided to come to South Africa to find work opportunities without a permit. Initially, he had worked in the construction industry for five years and later had started his own business of fixing televisions, laptops and phones for two years.

Two of the participants interviewed had fled from the political violence in the Democratic Republic of Congo (DRC). Both stated that they had left the DRC because of civil war in their provinces. For the purposes of this text, the researcher will refer to them as Participants X and Y. Participant X was 22 when he had left the DRC without his family. When asked what had happened, the participant stated that in 2009 there had been fighting between the Democratic Forces for the Liberation of Rwanda and the government and that his family had been “*destroyed*.” He remembered armed conflict in his village, and during this time his family had become separated. He recalled that his brother and sister had fled the violence together, but did not know where they were at the time of the interview. The only member of his family he had knowledge of was his father, who was currently living in Burundi.

Participant Y stated that the political situation had caused him to leave, “*I was afraid of the fighting*.” **Were you worried you were going to be seriously hurt in some of the fighting?** “*Yes*.” **Can you tell me a little bit more of the circumstances of you leaving?** “*Because of what I saw myself*,” and he told me that his father had been a businessman and a politician. “*They killed him in front of us [the family] inside the house*.” **How old were you when this happened?** “*That time they killed my father, it was 1994*.” He further recounted that his mother had tried to run away with his sisters and young brother using a “*bakkie*”, but they had been shot at. “*She [mother] was the target because she was driving, and I lost her there*.” His sisters and young brothers had tried to jump away, “*while they left me in the house*”. His mother had told him that he should try to stay to see if he could save the property. **Were you the eldest?** “*24 years old at that time*”. These accounts by participants reveal the diversity of reasons which had informed their decisions to leave their countries of origin.

4.3.2 Circumstances of Arrest and Criminalisation

There are several ways in which the criminalisation of migration takes place and can be seen in the three sections outlined in the tables above. First, there are barriers to regularising migrants' stay; secondly crossings are insecure due to difficulties in regularisation; and deportation is done at the cost of detainees.

a) Barriers to regularisation

The discussion of barriers to legalisation will be described in two parts: (i) that which can be identified in the participant interviews and (ii) the informal talks with facilities management at Lindela. The interviews with participants highlighted that upon entering the country, it was often difficult and expensive for them to obtain the proper work permits or asylum-seeker documents. Many of the participants were from neighbouring Zimbabwe using the *30 days upon entry* system. One participant would move between Zimbabwe, South Africa and Botswana to maintain legal status on the passport, but as one participant recounted "*I began to miscount the days I thought I had.*" For this participant, this totalled five months of travelling, which is costly in both time and money and prohibited her from finding secure employment. One male participant explained that after having been in the country illegally for several years, he had returned to Zimbabwe "*to get days*". This constant movement defines those participants who were without a permit.

The inability to obtain permits has a ripple effect through families as in the case of one of the participants. Because she had failed to obtain a permit, her children had also been unable to, which had meant that they were unable to write their matric exams. She also further emphasized that obtaining study permits for her children was expensive. One participant described the process: "*It was hectic [the process of regularising her stay at DHA through permits], at first in 2010, and it was free, and then later we began to pay.*". Other participants explained that they had been able to apply for permits, but after having paid a fee, they had never heard from the DHA again; "*applied for a permit in 2014, but I didn't get one. I had to pay a fee of R1200*". After that he had been told he would receive an SMS which he had not received. Another participant stated he did not have enough money to apply for a work permit, "*it costs before you apply R1700, and you must get a medical doctor that costs*

R3000.00.” These costs are associated with the required documentation, which includes a medical certificate, to obtain a permit to stay in South Africa. These barriers to legalization create the conditions in which poorer migrants are unable to afford to legalize their stay.

The cost of permits for poorer people at Lindela revealed that regularisation is for those who can afford it. When asked about the DHA in the process of regularisation, whether for a permit or refugee and asylum status, one participant responded: *"They give single-word answers, with no explanation but sometimes they [people/other applicants] apply before you and then you don't [obtaining a permit]."* The participant was differentiating his experience from other people who had applied for work permits and had been successful. **How long did you have to wait?** *"3 months +/- you will receive an SMS to an interview and then get the permit. Still waiting for those SMS's."* The DHA uses an SMS system to inform applicants when their permits are ready for collection or if they are required to come in for an interview. He went on further to describe how: *"sometimes would sleep there overnight to get in front of the queue. They only take a certain number a day."*

Those with a Section 22 permit, which is given to asylum-seekers, have to return continuously, sometimes many times a year to renew this permit. In the case of one participant, he had applied for asylum in Musina but a later re-application was rejected *"the reason for rejection my statement (basis of his claim) was not allowed."* His original statement was translated by a Somalian, even though *"he didn't speak my language and I don't speak Somali"*. The process of incorrect translation affected the statement required for the basis of his asylum-seeker's claim to obtain a Section 22 permit. Later when he was able to speak English better, his statement did match his original statement resulting in the rejection of his permit being renewed. This reason for rejection is not uncommon among asylum-seekers. Additionally, officials often do not inform asylum-seekers that they have the right to appeal the decision made by the DHA officer and this certainly seemed the case in this instance.

b) Insecure crossings

In addition to difficulties in legalising their stay, crossing borders without documentation can be dangerous as was seen through data collected in the interviews. Beitbridge was one such crossing mentioned frequently by participants coming from Zimbabwe. Beitbridge can be

crossed illegally by bus or through the “*bush*” as many of the participants detailed. One participant recounted that her spouse had paid a bus driver R1500.00 to travel across the border on the bus; she had exited the bus and did not have a passport. This kind of crossing is becoming increasingly popular as stated by another participant, “*but now people are using transport like trucks and buses.*”

However, the bush crossing was mentioned often by both men and women participants. One participant recalls that she would fear for her life during these crossings. “*You don't know what is there. You don't want to meet men; you don't want human beings there. In fact, you are hiding from men, from people.*” This is because using bush routes is particularly dangerous for women; participants alleged that men in the bushes often rape women crossing, commit murder and rob men. One man stated that when he first used the bush crossing, it was dangerous, “*there used to be stories that they were people in the bush and rob and kill you in the bush.*” He further elaborated that they would cross the Limpopo river at night because they were afraid of police and soldiers. Another man also used the bush route at Beitbridge, and when asked **Is it dangerous in the bush?** He replied, “*Yeah, very dangerous.*” **Why?** “*Guys that want money will rob you like gangs. Rob you and kill you. If you are a woman, they will rape you.*” **Are they South African?** “*They are Zimbabweans.*” These crossings are not only dangerous because of the physical threats, but also because of the natural dangers they face. This will be explained in greater detail later. Women in bush crossings, by the accounts of the participants, are more vulnerable to sexual violence than their male counterparts.

The insecurity that is created through these dangerous crossings is extended in their stay in South Africa. SADC passport holders are allowed 30 days in the country without a visa or a permit. For the participants, the number of days on their passports became the only means through which they were able to legitimize their stay in the country. One participant explained that she had done this for some time in Botswana but described it as “*was too hectic*” and significantly more complicated than South Africa in the number of days they would give a person upon entry, as she described, “*because they give you days, 30/40 days or even 5 days.*” This particular participant had jumped the border many times; once even while she was around five or six months pregnant. Furthermore, she even returned to Zimbabwe to give birth.

In addition, this participant described that she had begun to lose count of the days she had on her passport, particularly while moving between South Africa, Botswana and Zimbabwe. It was in this process that she was "*caught*": she had gone to the Botswana border, where they had told her that she had overstayed. After this news, she had decided to jump the border into Botswana where she had worked as a manicurist for a while. It was when she had tried to return to South Africa that she had been caught.

c) Individual Experiences of arrest

Participants were often arrested while going about their everyday lives. One female participant recounted that she was with her spouse when they were arrested, and the police spoke to her in Zulu. Another participant explained that she was using public transport when it had been stopped. Police had asked to see the passengers' identification documents. Some were South Africans and had commuted with their passports. Due to an overstay on her passport, she had been arrested for an immigration violation. Another woman was homeless on the streets of Johannesburg after having spent some time in Cape Town. She had been approached by the police and had been found to be without a passport or any kind of documentation. The police then had sent her to Lindela before she had appeared in court. Another woman had also overstayed on her passport and was moving between Botswana, South Africa and Zimbabwe. She had admitted to the police that she was not in possession of her passport. The period of prison time for women varied greatly between participants with some having been in prison for a week or as long as almost three months. The longest prison sentences were given to two women, both from Latin America, who had been arrested in or near OR Tambo airport on drug-related charges. One participant had been given a nine-year sentence and the other had served a six-year sentence for drug-trafficking.

One man stated that he was stopped "*almost every day*" and described it as "*like routine*" by police asking for identification or documents. He had been arrested because his passport had expired. For this violation he had spent three months in prison before being sent to Lindela. Another man recounted that he had been attempting to get proper documentation before he was arrested. He suspects he had been reported by one of his neighbours who did not know he was a foreign national. He had confided in the neighbour that he had been trying to get documentation so that he would be able to open a bank account and was looking to marry his

South African partner. Another man who was granted an asylum status permit (Section 22 permit) which needed to be renewed every 6 months had had his renewal rejected by the Refugee Reception Office official and this had resulted indirectly in his arrest because he had been unaware that he could appeal the decision. For immigration violations, participants were placed in prison for between 3 weeks and 3 months.

In a unique case, one man described that when he had entered South Africa, police had picked him and his companions up in Musina. The police had not informed them where they were going and had taken their passports from them, telling them they did not need them. He had later been dropped off in Nelspruit, Mpumalanga. The police had told them their passports would not “*work here.*” It was only later when he had been caught for petty theft that he was discovered without a passport and arrested on both charges of theft and immigration violations. Another man who had served time in a maximum security prison had been arrested after breaking into a home. He did not have a passport or a permit when they arrested him and served 5 years and 6 months in prison before being sent to Lindela.

The experiences of arrest differ greatly among participants, but commonalities can be found. Those who were arrested for immigration violations spent less time in the prison system, while those who had additional charges spent longer periods in prison, depending on the nature of the crime. In addition, the experiences of arrest are indicative of their ability to regularise their stay in the country.

4.4 Life at Lindela

4.4.1 Power over bodies.

In the carceral state, detention and prisons bodies are contained, acted upon and isolated. The power over bodies is illustrated in the experiences of participants. This section will illustrate the power over bodies, illustrated in four themes:

- i. Spatiality in the carceral state and prison-like detention.
- ii. Punitive means of punishment and torture.
- iii. Deportation at the expense of detainees.
- iv. The control exerted over sustenance to control bodies.

a) Spatiality in the Carceral State & Prison-like Detention

One of the objectives of the present research is to understand how the carceral state interacts with migration. In carceral systems, bodies are continuously being identified, constructed, moved and subjugated to the will of the state. Literature has shown us how these bodies are gendered, and their gender predetermines their movements.

Spatiality will become important in this discussion; the researcher has, therefore, included a rough sketch of the layout of Lindela. It is important to note that Lindela does not detain mothers with children or pregnant women. This is indicative of the distinction between bodies that are deserving and those that are not.

Please note that this sketch is intended to give the reader a general idea of the layout and to be able to identify the separations, gates and other aspects mentioned below. There are cells in both the men's and women's sections as depicted in the figure below.

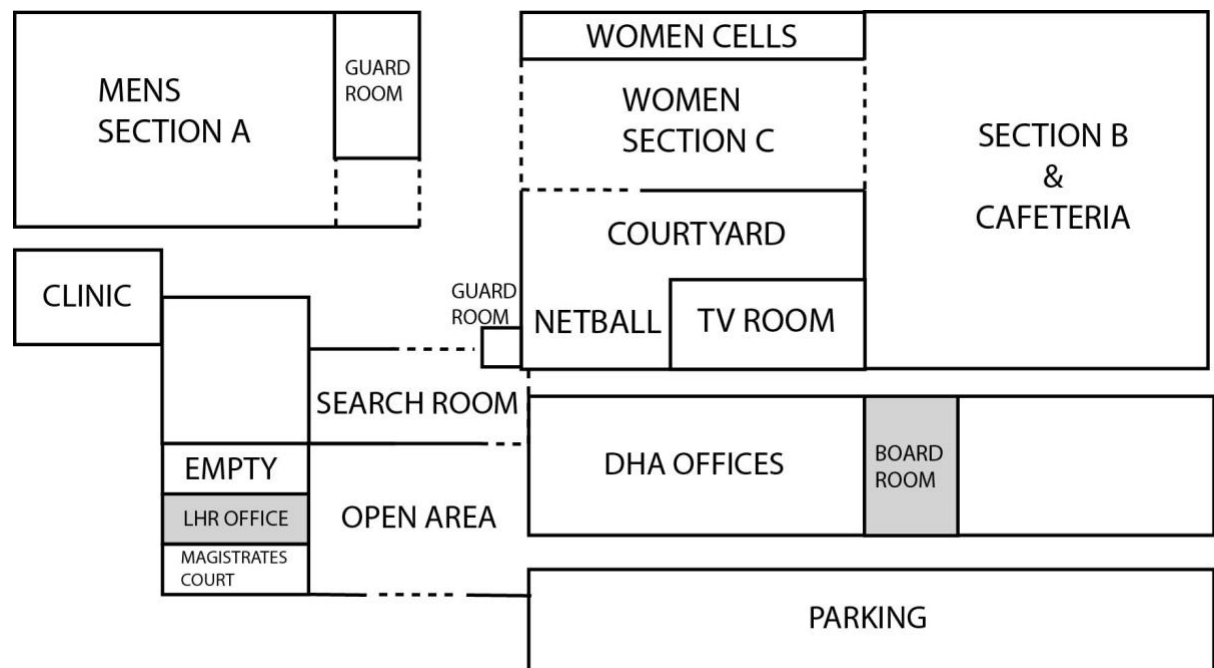


Figure 1 Sketch of Lindela

In the case of Lindela, the mobility of bodies is restricted; as seen by the number of gates, divisions and privileges which serve to enforce gender norms. It is important to note that high walls enclose the entire facility with guard towers, closely resembling a prison. The women's

section contains a courtyard with a garden, a television room filled with mattresses, benches with chairs and a netball court. Women's laundry can be seen drying in the sun, almost a domestic picture. This is in sharp contrast to the men's section, which is marked with concrete benches, sporadic roofing and hundreds of men waiting, playing soccer and standing near the gates. Shared sections are carefully monitored with guards and filled with only those who are scheduled to see their embassies, to attend the magistrate's court or to buy bus tickets.

The responses to Question 13 varied among men and women participants: movement of the participants during the day plays an important part in understanding spatial aspects of carceral institutions. Women tended to focus on the things one could do, but some of them referred specifically to the staff running the facility. One participant describes their day as *"You can sit outside and play netball if you want to. You can watch TV."* When the researcher asked if she gets bored, she responded with *"Yeah"*. The guards at the facility play an integral role in the spatiality of the facility; they are the physical manifestation of the facility. This manifestation is illustrated in the response from one of the participants; *"The day can start good, but it can change, they [BOSASA] change shift. It depends on who is on shift."* The guards control the movement of bodies when they eat; when they can go to the shop; or visit the detainees of the other sex. For some participants, the guards are not seen in this way. One participant responded: *"Yes, I have made friends with some of them [BOSASA]"*. The researcher asked if the BOSASA security official was a friend because she seemed to have a good rapport with the BOSASA security member who had accompanied her to the interview location. This could cause a possible bias in the participant when questions were asked regarding treatment at Lindela.

Another woman described her frustrations: *"I have only been here for thirteen days, and I am going crazy."*, *"This place is hard."*, *"You run to the shower, you run to get food, here [Lindela] is even more hard."* In this instance, the participant is referring to the time she had spent in prison. *"If you are late you don't get anything, you don't get a place to stay, or a blanket or a sponge [mattress]."* She described the days to be hard, mentally and physically.

Men typically described their day as revolving around mealtimes; but mentioned one activity in the men's section *"there are grounds to play soccer"*. Other participants, when asked about their days, expressed that they were thinking of the people who depended on them. One

describes a day at Lindela as; *"of course, here, there is nothing here,"*, *"only sleep but the rest is no good"*, and Lindela as *"Worst, worst."*. He further highlights that *"When we get food there is a problem."* This will be explored further under the section: *Punitive means of punishment and torture*; where detainees, particularly men, face physical violence from the BOSASA staff running the facility.

In comparison, the women's section has a smaller number of people, while the men's section is crowded with several people sleeping in a room – anything from 32 to 120 – depending on the size of the room. The effects of spatiality can be seen in one participant's response: *"When I compare the situation here, it is better than there in prison. But this is for someone who is from prison. I wish to see myself out of this place even to go back to my country."* The spatial configurations, such as Lindela, reveal how the carceral state physically confines the unwanted. As one participant stated *"The security and environment are not good. But I heard they write in the papers Lindela is not a prison, but I don't agree it is like a prison."* Gates are present all around the facility. They simultaneously facilitate movement and they also constrain movement between sections. It resembles a prison with the exception that it is open-air, in that detainees are housed in small house-like structures surrounded by open courtyards made of concrete flooring.

Comparisons between detention and prisons were frequently mentioned in the interview process. Some participants noted they thought that at Lindela they were treated better than in prisons and or at police stations. One participant noted that in the prisons, they allowed her to make phone calls. However, she was conversely told *"you are a prisoner"*. The researcher then asked **Is it better than prison?** To which the participant responded, *"You can't compare"*. **Do you feel like it is a kind of prison?** *"It is more like, but to me, the problem is that you are detained for a long time there [prisons]."* The prisons represented a more extended transitional phase than the detention facility. Another participant responded similarly: *"When I compare the situation here, it is better than there in prison. But this is for someone who is from prison."*

Other participants felt differently about Lindela. One participant noted when asked **Is Lindela a camp or a prison?** *"Same as a prison."* In another interview, a participant noted that *"I heard in the papers that they write Lindela is not a prison, but I don't agree it is like a prison. We're treated like prisoners, not treated like a waiting area;"* highlighting that he felt

there was not much difference between how prisoners and detainees are treated. Another participant recounted that she knows of another person who was “*detained at Lindela for 11 months. She was moved between prison and Lindela a few times because she did not have resources to be able to contact anybody.*”

Additionally, frequent interruptions were common during the interview process. In the first few interviews, a DHA management member interrupted an interview, at 7:50 min into the interview recording. The interaction was caught on the recording: “*Just checking on you. Is it fine if I stay here for 10 minutes?*” The researcher was caught unawares and told the official that the interviews are technically confidential. After this incident, the participant giggled and said, “*they are just trying to see if we are talking about them; that is what they want to know.*” The arbitrary display of power here highlights the disregard for research at the facility, as well as the guards’ positioning of their power by inserting themselves in all aspects of detainees’ lives.

d) Punitive means of punishment and torture

Punishment is enacted on or to the bodies of detainees and can take varying forms. Within Lindela, there are four primary ways in which detainees are punished; the first of which is isolation. Isolation cells are used as a method of punishment, particularly when detainees are caught with a cellphone within the sections. One participant revealed that the penalty for this was “*21 days in solitary confinement*”, despite this method of punishment being considered an unacceptable form of torture. Acts of resistance such as smuggling phones in are punished in this way. Lindela functions much like a prison according to the researcher’s observations (<https://pmg.org.za/committee-meeting/9298/>). Reasons for restricting the use of cellphones include privileges based on good behaviour as well as security reasons (Reporter, 2019). However, unlike prisons, detainees at Lindela were able to access their cellphones on request.

The threat of violence is omnipresent within the facility; many of the participants would speak of things they had heard happening or what they had seen happen. Micro-aggressions and positionings of control could be seen through the three interruptions by various members of staff. In one interview, the staff interrupted the interview twice. In another interview, a Department of Home Affairs official interrupted and asked to sit in on the interview.

BOSASA security staff's demeanour changed from friendly to cold once the researcher would not allow them to sit in on the interviews.

In addition to this, threats of violence were ever-present, specifically in the minds of men detained at Lindela and to a lesser extent in the minds of women detainees. Men would recount *"They [BOSASA] hit people"* particularly around mealtimes. When asked, the participant who had spent time in maximum security prison said *"When the official comes there, they do what they want. Pour you with water. They can talk [expletive] he is the one in charge"*. These displays illustrate the arbitrary power that officials have over detainees, where the threat of violence is ever-present. This threat of violence does manifest itself physically.

One woman and mostly men revealed that the officials were using methods of torture, in the form of beatings. A participant recounted how her *"homeboys"* had to run for food; *"Food in prison came to you, but here you have to run"*. A similar incident was later recounted by men. In response to Question 16, one recounted the following:

"I don't know what is wrong with them [BOSASA]." "Sometimes, when you go to the kitchen, there are three gates, and everyone wants to be in the front. Instead of opening the whole gate, they only open the small one". The gates referred to here can be seen in the diagram above, and the effect of only opening one gate is to bottleneck the exit to the cafeteria, which runs through the women's section. In this build-up of bodies, *"they [BOSASA] will take their belts and beat people, been happening a lot of times"*. I asked if this violence was targeted at men or women to which the participant responded: **"Men."** **Do they force you to run?** *"They don't force, but they create the conditions for it to happen. They know what time lunch is to be served some people will wait at the gate earlier so that they can go through, but the security will wait until there are a lot of people sometimes till 14:30. I think it makes them happy to see people running."*

Furthermore, detainees would sometimes get injuries from this: *"There were two or three who had bandages because they were beaten from trying to get food."* **Have you ever seen physical violence from a security official to a detainee?** *"A lot of times."* **Do the security...what happens? When do you see it and what happened?** *"Most of the time, when there[are?] a lot of people that are selling things, they are the ones that sell cigarettes"*

to detainees which in turn sell them to others. They come to give me, and if you don't give them you are a problem, sometimes they come and pick things.” The participant would refer to cigarettes and other items traded between detainees. **If they feel like people aren't cooperating?** *“They will beat you”*. **Has it ever been serious in that someone was seriously injured?** The participant explained since arrival, a man from Tanzania had been taken to Section B and beaten, leaving him unable to walk for *“four days.”* *“When you do something wrong, they take you there and beat you up.”* **Are there cameras in Section B?** *“There are supposed to be, but I have never been there.”* To another participant, I asked, **how do the guards treat you?** *“Violent and rude, especially around food, people get beaten in the queue, too many and they use monkey chains.”* The participant had difficulty in explaining what he meant by *“monkey chains”*; this could include cuffs that are strapped to ankles and/or hands. The conversations during the interviews revealed that guards used their position to enact violence upon unwelcome bodies. It also shows the underlying sexism regarding those who are deserving of special treatment and those who are not. The behaviour of BOSASA officials is critical to note in this section, but more worrisome is that the DHA should be aware of the violence being perpetrated against men detained at Lindela.

Aside from physical violence and threats of punishment, BOSASA guards bar access to medical attention for some of the participants. In one of these cases, a participant alleged that a detainee had died at the facility two years previously because he had not had access to medication. Woman participants are free to go to the clinic and receive medication. A woman participant explained that she had heart problems and was able to go to the clinic. The clinic would take her to a public hospital to get her medication; and others revealed that if they felt ill, they knew they would get treatment. While a participant from the men, complaining of high blood pressure explained: *“Any disease can happen, but they will give you two tablets of pain killers when you ask again. Some of them will tell you voetstek [go away] and tell you to come tomorrow.”* He felt that the treatment he received was dehumanizing: *“chase you away like a dog.”* One participant described the medical services at Lindela as: *“the medical attention is okay; people all get infected with the same diseases, like chickenpox.”* Medical attention is only given to those deemed deserving and not given to those who are perceived as threats as described by (Mountz et al. 2012, & Alberti, 2010).

Isolation from family and friends, through contact, also dominates the space at Lindela. One participant reported when the researcher asked what the DHA response was *“You are not our*

people; you are people of Home Affairs so don't allow to the visitors." This isolation is extended to being able to connect with family and friends who live outside South Africa. While inside, the prison's participants reported that they were able to maintain contact with family through phone calls, but at Lindela, the phones are unable to make international calls. *"The public phone does not work with international calls"*, and in addition to this they are not allowed to have cellphones *"inside."* There is a monetary aspect to punishment where detainees *"have to use the money for the public phone."* Unable to conduct any activities which could provide them with an income, the phones are still not free for use. Unable to make connections to the outside world isolates them further and removes them from the public entirely.

e) Support structures within detainment and family separation.

Familial separation was a common phenomenon among some participants with some having South African partners and children residing in the country. One woman had been separated from her husband during her detention and she stated she would wait for him to come to Lindela first before she would leave. Another woman participant was separated from children who are currently living and in school in South Africa, *"they are alone"*. A male participant stated that he had been living with his South African girlfriend with her two children and their son. Later on in the interview, he became quite emotional and stated that he had intended to marry her. It was one of the reasons he had wanted to get a passport but had been arrested before he could. This was echoed by another man who also had a South African partner with a child. They had been living together prior to his arrest and he expressed concerns about not being able to support them, *"they are alone."* These separations were painful for the participants and illustrate how they are not only removed from their families but from their lives in South Africa.

In addition to this, participants also noted that support structures within the facility are often constructed along the lines of language and nationality. One participant noted that she did not feel that supportive networks were formed between detainees but *"maybe if there was someone from home. Say 5/10 yeah. But some others not totally not."* Another participant stated, *"you must know each other, they don't want to talk to you. **Why do you say that?** *"If you stressed, take your blanket, sleep and keep quiet."* She noted that language could often be*

a barrier, “*Malawian, people can’t speak English or Zulu.*” Another participant simply stated, “*No, I don’t have friends here.*” In contrast, one participant described Lindela as a ‘*good place*’ because when detainees have friends, they speak to one another or give each other ‘*good ideas*’. However, she also noted that language could also be a barrier to communication.

Another participant who was leaving Lindela said that people from Latin American countries were supportive of each other; she would also translate for them. She expressed concern about “*her sister*”, another Latin American, who would remain at Lindela after she had left and was unable to speak English. She described “*language is a problem; some people can feel alone.*” A male participant highlighted that most people knew each other from prison but felt when there were many people from different countries “*there is no way that you can trust someone.*” He also stated further that he would trust someone from Malawi more. Another participant highlighted while they support each other, “*everyone has his problem.*” The ability or inability of detainees to develop supportive networks is dependent on their ability to have people who understand them and who are from their country of origin.

f) Deportation at their own cost

Participants experience additional barriers to their repatriation because they are responsible for paying for their repatriation. Participants were kept beyond 90 days and are only eligible for free deportation at 120 days. Multiple times during the interviews, participants would seek financial aid from the researcher to pay for their bus tickets, often during the conclusion of the interview. Participants often stated that they reached out to family and friends to help them pay for their bus tickets home. One participant had reached out to a family member who resides in South Africa, but they were not able to help her pay for the bus ticket. Another participant reported that he had been at Lindela for a month because he was not able to pay for a bus ticket to return to Zimbabwe. One other man stated that he had been at Lindela a month and 18 days because he did not have the funds to afford his bus ticket home; further stating that the DHA does not help. Another participant stated that some detainees do not have the means to leave; she argued forcefully that South Africa should pay for their deportation. Only one of the participants had the means to afford her deportation through the

support of the Muslim community. The inability to pay for deportation affects the poor; it places them in an extended period of limbo at Lindela.

g) Sustenance

Food, mealtimes and the controlling of bodies entrench themselves deeply in the minds of participants. Mealtimes are fights for survival and the grounds on which much of the violence against them takes place. The prevalence of violence against men may be owing to the number of men compared to women kept at the facility. Alternatively, it can be argued that the manifestation of violence is directly linked to the gendered aspects of detention; since violence against men was more frequently mentioned by both men and women. Participants often emphasised the times between meals, with breakfast at eight and then lunch at 14:00, and then dinner was served early. One participant described the food as “*not being nutritious.*” Participants described the following meals, “*in the morning you get breakfast: porridge, tea and soup*”, where at lunch meals consist of “*pap/rice, meat stuff and fruit*” and later on in the day the last meal they receive is “*tea and bread.*”

Procedures are set out in the prisons system regarding meals, the timing of meals and the nutritional content of the meals. At Lindela, the researcher was unable to find this information due to the privatization of services. There are long periods of waiting between meals with the only meal containing protein being lunch. One participant stated: “*They are short on food and water at Lindela*”. The same participant said that she would often give her food to her “*homeboys in the male section, in that the DHA is helpful.*” Homeboys is a colloquial term used by the participant to describe men from Latin America who are also detained at Lindela. Furthermore, the lack of clear procedures instils further uncertainty, since detainees are never aware of or in control of their own circumstances. A male participant explained, “*a lot of people are starving here, the food is not nice. They [BOSASA] hit people.*”

Further, the participant states “*it is not good people are eating but getting hungrier.*” The following is a conversation with another participant: **Is there enough food for everybody?** “*At breakfast no, at least at supper and dinner. The breakfast is not enough.*” **Do people feel like they have to fight to get food?** “*Always, because there is a long queue, some fight to get*

food and be in the line.” Are some people afraid if they are not there early enough, they won’t get food? “It’s only before yesterday, the last people in the queue only got veg and starch as the meat [protein] was finished.” Given the content of the information, the researcher believes it is pertinent to note that during her tour of the facility before interviews had taken place, BOSASA management and a DHA official had remarked on detainees running for breakfast and finding it amusing. When asked why detainees do this, both had laughed and said they do not know.

4.4.2 Discrimination and Xenophobia

Discrimination and xenophobia occur on several levels: three have been identified in the course of this research and are vital in understanding the experiences of migrants as indicated in the objectives of this research. The first level comprises the suspension of rights within the facility; the second level consists of verbal and physical attacks on detainee's foreignness, and the last level details the attitudes of officials.

a) Suspension of rights

There were several instances in which participants had been barred from legal counsel. Many of the participants did not know that LHR was an active presence at the facility, nor had many of the participants encountered any Red Cross volunteers. Participants often stated that the only legal counsel they had received was during their court cases, and many saw their embassies as legal counsel. When asked, one participant responded that she had not been able to access legal counsel. The concept of legal counsel was misunderstood as demonstrated in the makeshift Magistrate’s Court, where appearance before a judge was equated with legal counsel. One participant reported: *“The Home Affairs officers told me they don’t allow lawyers.”* When further asked about it she elaborated: *“they said there is no need to see legal counsel. DHA doesn’t allow lawyers.”* Furthermore, when in contact with a lawyer, one participant reported that the lawyer *“could not defend him for the passport”* and that he did not have money for a private lawyer. The lawyer he was referring was a state-appointed lawyer who could defend him in criminal cases but not in administrative matters.

This situation also represents a literal suspension of rights for people detained at Lindela and only further victimizes and criminalizes detainees. It is also a stark representation of detainees as only bodies in transit. In a unique case, a participant stated that the DHA had told her *"that I would be wasting my time by getting lawyers because my situation is different."* She was raped repeatedly while in prison and trafficked by the same officer once she had been released from jail. She has since then been moved in and out of witness protection to jail.

Moreover, when a court case was dropped against her, she was moved to Lindela. Her lived experience shows how the suspension of rights occurs through the removal of rights for foreign bodies, barring access to legal counsel and diminishing the needs of detainees to have legal counsel. Another participant reported a similar case: *"I know of another person who was detained at Lindela for 11 months. She was moved between prison and Lindela a few times because she did not have resources to be able to contact anybody."*

b) Verbal and physical attacks

Many participants recall that a common derogatory name they were called is *"kwerekwere"*, particularly while in prison as well as at Lindela, while some of the participants responded that they had had no experience of verbal attacks. One participant observed what she had experienced before her arrest *"maybe they know, through dress, that someone is foreigner, would call you names. Yeah, they would call you names."* Another participant noted *"mmm no. Most people will ask me where I am from when I say I am from DRC people don't have a problem."*

While another participant had had an experience with police as she stated *"Yes, especially the police"* but at Lindela she hadn't heard about such attacks. Another participant described that verbal attacks did not occur at Lindela; *"Not really inside but definitely outside, people can say shungan or kwerekwere."* Another participant highlighted how these derogatory words would make him feel. **What kind of things would they say?** *"You are a 'kwerekwere' I feel pain at those words."*

Seven participants stated that they had not experienced any physical attacks because of their nationality. Of the participants who said no, one respondent further elaborated that they had "*heard rumours*", while another participant said that even though he had not experienced physical attacks, attacks were mainly targeted at Nigerians, "*it is like they are fighting with the Nigerians*." One participant recounted "*Yes, local people, my neighbours*" he fixed electronics, often when he fixed something for South Africans, if it did not last, they demanded a refund. After that, they would not agree, and he would be attacked. Another participant noted that a group of young men had attempted to attack him while he was in Musina. Another participant recounted that he had experienced physical attacks "*many times, in prison but not at Lindela. Members of staff would sometimes [prison]*." One participant in her description of her arrest used the term "attacked" when describing her arrest. Having not interacted with police previously, she described how she had tried to run away, and they had grabbed her. She stated in her description of the arrest that she was fearful and it was this emotion that had caused her to attempt to run from them. "*Yeah, by that time I was stressed because I had not met police before in my life, I tried to run away, and they grabbed me.*"

c) *Attitudes of officials*

During the research, the researcher interacted with DHA officials at various levels of management and BOSASA officials in the same way. On the first day, the researcher had been taken on a tour of the facility by a DHA official. The official explained that once detained at Lindela, cases were finalised legally and that detainees were subsequently criminals. The logic behind this is that the immigration violations are equivalent if not the same as criminal offences. Both DHA and BOSASA management referred to detainees as "*inmates*", revealing the entrenchment and internalisation detainees as criminals. This internalisation can be further seen through participants referring to Lindela as "*inside*"; a term commonly associated with the penal system. In addition to this, the participants' descriptions of the behaviour exhibited by arresting officials, BOSASA officials and DHA officials at the facility, show that they are perceived as criminals but in a space where they are afforded no rights.

A participant described that she felt as if she was being treated "*like a criminal*" while she was in prison. When she spoke to a DHA official asking, "*how long will I stay here?*", he had

replied, *"it's not your business, you are a prisoner."* A participant who had had a Section 22 permit before he was arrested said: *"I don't see any protection because I was arrested without knowing why. I don't see any protection. I come as a refugee, so how do we know? We don't have to be treated like a criminal. So, I don't see any protection."* These experiences can reveal the perception of not only immigration officials but the beliefs of members of SAPS surrounding migration and legality, in which foreign bodies are constructed as unwanted.

4.4.3 Limbo

Limbo can be commonly understood as a period of waiting for an uncertain period of time. In the case of participant experiences, limbo can be identified in four ways: (i) through the creation of liminal spaces; (ii) uncertainty about the future; (iii) feelings of hopelessness; (iv) fear.

a) Liminal spaces

The concept of waiting, a description of liminal spaces, was aptly captured by Sutton, Vingeswaran, and Wels (2011). Part of the objectives of this research is to understand how the participants experience detention. One of the most common themes for all respondents was the feeling of limbo. In one interview, the participant emphasized the length of time of waiting inside Lindela. When asked about the future, he responded *"Eish, don't know what to say. I am just waiting what to do. Just waiting for anything."* The last sentence captures the liminal space and the effect it has on those detained.

This liminal space is closely linked to economic means. A participant reported that those who could pay for bus tickets could leave sooner, while those who do not have the proper documentation, money, or aid from their embassies have to remain at Lindela for 90 days with a maximum extension, given by a judge, of 120 days before they are deported on the South African governments' account. One participant recounted that the 90 days were finished the day before she participated in the research, but *"no one has told me anything."* She further stated that BOSASA officials were actively obstructing her from speaking to DHA officials. When the researcher asked if they had contacted her embassy, she said *"they*

told me they would, but I am still waiting. The investigating police told the embassy not to intervene in this matter.”

This liminal space can further be felt through separations from loved ones. One participant who had been arrested with her husband told me she was waiting until her husband arrived at Lindela so that they could leave together: *“I am waiting for my husband.”* This indeterminate liminal period of waiting can begin in police stations and prisons. One participant stated that he was *“waiting at the police station for 20 days before they brought me here [Lindela].”* The description of waiting was used to describe his experience of being held (detained) at a police station prior to being moved to Lindela. Many of the participants did not have the means to pay for their repatriation or knew when they would be repatriated.

b) Uncertain of the future

Participant responses to the statements in the questionnaire vary greatly but can be broadly divided into two groups; those who are positive about the future and those who are not. One of the participants who seemed most positive was being released the following day or two after the interview. She looked forward to being reunited with her family and described her future as *“I hope it will be bright.”* Another participant stated, *“I have a future, the one thing I know that I have a future.”* He spoke about his qualification as an electrician and his future plans. Another determined participant stated, *“I will make it to be better. I will finish my nursing degree.”*

However, a larger group of participants were considerably uncertain about their futures. Participants stated they did not know what to do upon their return to their countries of origin; one participant stated *“[I do] not know where to start when I return to Zimbabwe, or what to do going forward.”* One participant stated she was thinking of her children who were still in South Africa and how to get permits for them, further stating that she saw only her children’s futures. Some expressed the wish to return to South Africa once they had obtained the legal papers. A participant who was an asylum-seeker stated *“to go home, without permit or asylum. You may be out for two months and be arrested again; it is better to come into the country legally.”* To this, the researcher asked, **Are you going to try and get the papers, is that what you think of?** *“I think of going home and to try to get papers when I have money.*

Try to apply for a permit again." Others stated that they would instead be repatriated because *"to be here is not good. I will feel great wherever I will be taken, deported or released."*

Some of the participants relied on their religious beliefs, as seen by the response of a woman participant *"going to give it to God because I am inside."* One other participant seemed acutely destitute. He had had plans to stay with his partner and start a business to support them and their children. However, *"since being caught everything now is "fucked-up"*.

c) Hopelessness

Many of the participants expressed feelings of hopelessness in a range of responses. One participant explained *"at this moment yes because I don't know what direction I am going. I can't get any answers."* The investigating officers had told her that the DHA was refusing to sign her over to witness protection as she was supposed to be. She told me that they had told her she was the key witness, and she feared for her life, *"I do not trust anyone anymore"* but *"my family gives me hope."* Other participants would state that *"I am hopeless now"* or *"yeah, I can say so, sometimes I feel like crying, but then I pray."* Another participant stated that *"Yeah it [Lindela] makes me feel hopeless and gives me heart problems. I am worried about my health."*

Another participant expressed the feeling of guilt *"I feel guilty for myself."* The participant explained he felt this because he had been told that he did not respect the law. **Do they make you feel guilty because you did not have your papers?** *"That is what makes me feel guilty."* The participant expressed feelings of guilt even though he was struggling to renew his asylum-seeking permit, and he felt at that point in time that he did not have human rights as a refugee.

In contrast, other participants did not express feelings of hopelessness. One participant said *"no"* with some humour. Another participant who was due to be repatriated said she was not feeling hopeless because she was going to see her children for the first time in years. One of the men told me, *"I believe in myself"* and explained that during his time in prison he had been able to learn skills which would allow him to *"get work to get money like everyone, this thing of crime... but I can't guarantee I won't be arrested again."*

d) *Fear*

This theme can be seen in several participants' responses which are outlined below. Participants were asked to agree or disagree with two statements:

- i) **"I thought at some points my life was so uncertain I could die at any moment." Do you agree with this statement?**
- ii) **"For me, safety is a never-ending concern." Do you agree with this statement?**

After that, they were asked to elaborate.

In response to the first statement, one participant responded *"I agree, the way things are I don't know. Anything can be possible at any moment at any stage."* As previously described, a participant feared insecure crossings and the dangers they represented to her physical wellbeing. *"You are walking in the bush, and you don't know what is there, you don't want to meet men, you don't want human beings there. In fact, you are hiding from men, from people."* **Are women attacked when crossing?** *"Some borders it is very dangerous, they can kill."* These crossings, particularly informal crossings across borders, create vulnerability for the people crossing them.

Another man stated when asked if he had experienced problems while travelling to South Africa, *"It was dangerous during that time, there used to be stories that they were people in the bush and rob and kill you in the bush."* He further explained that they had no other choice and travelled during the night because they were afraid of police and soldiers. Beitbridge has a natural boundary in the Limpopo river; the participant explained that they had had to look for a shallow crossing. Organized crime and the smuggling of illegal migrants was also a source of fear as seen in the account given on Beitbridge *"yeah, it is very dangerous, guys that want money and will rob you. Like gangs. Rob you and kill you. If you are a woman, they will rape you."* This vulnerability is influenced by natural boundary lines, dangerous crossings and in this case of Beitbridge, these are often referred to as bush routes.

Another participant linked the uncertainty of being able to live with other people, to the first statement, he said, *"I agree,"* **Do you want to tell me why?** He went on to explain that in prison, he shared *"the same cells with people who are murders and gangsters. I knew if I*

made a simple mistake, anything could happen. I would be threatened to do things.” **Are there any people here that you are fearful of?** “*No.*” This response illustrates how bodies interact with each other to create uncertainty.

Another person located this vulnerability within the lack of support, “*I can agree because sometimes the background from home that made us, like me I did this to myself to come from Zimbabwe and came here with no family. Look for a place to sleep, knew English, people would ask why we were speaking English.*” Precarity is seen rooted in his journey, without the help of family and physical uncertainties. Another woman stated she agreed with the first statement, “*I agree, I can die at any time.*” Another male participant responded, “*I agree, because when, how or where, there were times when I thought I would die but didn’t.*”

There was a participant who had expressed a history of mental illness and suicidal thoughts in the past. One of the participants had said that he could maybe agree, “*maybe, I hope to stay here because I have no one there [Malawi].*” A woman participant stated, “*Yeah, I do*” and further explained that she had tried to kill herself ten times and had been hospitalized. The attempts at suicide occurred after her sentence because she felt as if she had nothing, “*there was no God, no family.*” Only after a family intervention did she get better, but explained all the waiting, prison and Lindela had made her feel as if she had lost many things in her life. Some of the participants did not agree with the statement; one chuckling said “*What can I say about that?*” and did not seem worried about her safety. This particular participant appeared to be friends with members of BOSASA security and may have reacted this way because she did not want to answer the question negatively.

The second statement brought interesting considerations where participants would place the safety of others above their own. One woman agreed with the statement, but her concern was predominantly for the safety of her husband and children. This sentiment was echoed by a second woman who said she was worried about what would happen to her, but also the impact it would have on her children. Another man explained that safety was a never-ending concern “*because I have never been safe since I arrived in the country.*” **Even before? Other countries?** “*No, I have never been safe. To be safe, you must have the right paper.*” **Do you think we put too much emphasis on the paper?** “*Causes a struggle here in South Africa, with the SAPS and DHA, they take bribes. If you have the money, you won’t be arrested.*” Uncertainty of being able to live is ingrained in a participant’s entire experience, where

insecurity and the neutralization of that insecurity are attached to a document. A woman responded to the second statement saying yes, it is right in general, "*here [Lindela] only put cameras now after people have been raped and died, scandals they went through. Two years back,*" she referred to the previous participant, "*it was in the news where South Americans were getting raped in South Africa.*" These words revealed that her feelings of safety were connected to the accountability that the cameras at Lindela afforded her. Another participant stated, "*Yeah, I am always worried about my safety. I want to be safe.*" Some participants would agree with the statement but did not wish to elaborate, and others did not agree with the statement.

4.4.4 Gendered experiences

Responses varied according to the gender of the participant; these variations illustrate a gender gap between participant responses. Among the variations identified were that women have a greater fear or experience of sexual violence, are more likely to be engaged in informal work, and are more focused on their children when considering the future.

a) Sexual violence

Questions about sexual violence and the fear of sexual violence were asked of all participants, both men and women. The responses varied according to gender and sometimes referred to their current circumstances. An example of this was the response of one participant stating she did not fear sexual violence at Lindela, while another participant said that while she did not fear sexual violence in Lindela, she feared it while being repatriated home. She described that when they are repatriated back to Zimbabwe and reach the border, the drop-off is in a "*bush*" area. The remote location concerned her greatly because she did not have money for transport from the border and the nearest town was a long walk. She stated that she feared some of the other detainees at Lindela who had come from prison, describing them as: "*these guys from prison, they are not good. They behave like animals*". In addition, a woman participant responded "*very much*", **When travelling or here?** To which she replied that she feared it for her children but also when crossing the borders illegally, "*anything can happen, you can be killed or raped.*" ***Do you fear that South African***

police would also? “No.” **DHA officials?** “No.” One woman recounted in detail how she had been raped repeatedly by a prison warden while in prison.

Responses about violence differ for the men who often responded *no* to the question, except for two men. However, with this said, one man responded “*I fear for myself, as South African [referring to South Africans and xenophobia], I always fear, always scared. Especially when they talk about the foreigners, it can happen wherever we are.*” In this instance, however, it is unclear if he is referring to sexual violence or violence in general. Another man responded “*Ahh I always fear, [violence] against myself and other people. I don’t like it.*” These findings contribute to our understanding of the gender gap.

b) Prison Sentences

Women participants were less likely than male participants to spend longer periods in prison for immigration violations. Most women only spent a week to two weeks in the prison system compared to their male counterparts’ 3 weeks to 1-month sentences. This sentence was dependent on whether or not the participant had been arrested for criminal activities such as theft, robbery or drug-trafficking.

This will be discussed in greater detail regarding the gender gap in the analysis. However, the reduced time spent in prison or police cells by these women highlights gendered discourses and narratives around special treatment.

c) Focus on Children

All the women interviewed had children in either their country of origin or in South Africa. Women were more likely than men to focus on their children, especially when talking about fear and feelings of hopelessness. Both participants arrested on drug-trafficking charges had left their children in the care of immediate family members. Even those who were from neighbouring countries had entrusted the care of their children to immediate family members. Many of the women stated that part of their decision-making when leaving their country of origin were concerns around the affordability of education. One woman said that while living in Zimbabwe she had been unable to pay for schooling or food and this was why she and her

husband had decided to come to South Africa to look for work. The same participant reiterated throughout the interview that she had decided to leave Zimbabwe to help her children and once they were “safe” she would apply for her passport. Another woman explained her children were a primary “stress” for her and that she was concerned about the safety of her husband and children.

Another participant explained that a primary part of her motivation to leave her country of origin, Zimbabwe, was that she had wanted to look for work opportunities and to create better circumstances for her children. As a single parent, she was responsible for paying school fees and supporting her children, the youngest of whom was ten years old. She stated that her biggest concern was that she was not sure what she would be able to do in order to support her children.

This is echoed in another interview with a woman who was also concerned about her ability to provide for her children. They had come with her to South Africa and had been in the South African schooling system. During her arrest, she had not been with them and she was separated from them. When expressing her greatest concerns, she stated she was worried about her children and their education in South Africa because they would be unable to write matric exams because they did not have study permits. It was also something which she considered getting for her children in the future. She further stated “*I only see my children’s future*” when asked **How do you see the future when you leave here?** When asked if she worried for her safety, she again related the question to her children and the impact it would have on them, should anything happen to her.

Another participant stated that she would like to come back to South Africa because she saw a better future for her children here than in Bolivia. She was due to be deported back to Bolivia the day after the interview. When asked about feelings of hopelessness she stated that she did not feel hopeless and expressed feelings of hopefulness at being reunited with her family. These feelings of positivity are in stark contrast to the feelings expressed by participants who were unsure of when they would be leaving Lindela.

4.5 Conclusion

This chapter offers a brief description of the data and how the interview notes were understood in order to identify common themes. Three broad themes were identified in the data which included: (i) reasons for leaving; (ii) circumstances of arrest and criminalisation; and (iii) life at Lindela. These broad themes were further divided into sub-themes. *Reasons for leaving* was subdivided into social, political and economic circumstances. *Circumstances of arrest and criminalisation* was subdivided into: barriers to regularisation, insecure crossings and experiences of arrest. The themes identified under *Life at Lindela* include power over bodies, discrimination and xenophobia and a state of limbo. The second aim of this chapter was to provide an in-depth description of the data based on the themes identified. This will form the basis of the data analysis, which will follow in Chapter 5.

Chapter 5

Analysis of the Data

5.1 Introduction

This chapter will provide an analysis of both the primary data collected in the interviews and secondary data outlined in the literature review. The analysis will draw on the literature outlined in Chapter 2, to understand the themes found in the description of the data in Chapter 4. Firstly, reasons for leaving are often a decision necessitated by circumstances beyond the participant's control; these can include armed conflict and economic hardship. In the second place, this chapter will continue by focusing on the circumstances of arrest and the process of criminalisation by analysing: how insecure crossings are created; the role of barriers to regularisations; and finally, the criminalisation of migration. Thirdly, this chapter will take an in-depth view of life at Lindela by focusing on two parts. Firstly, it will aim to understand how bodies are constructed and power over them is maintained through: the employment of spatiality by the carceral state; acts of punitive punishment and incidents of reported torture; the important role of support structures; and the ability to be deported or repatriate oneself. Secondly, it will focus on the fight for survival within Lindela. Finally, this chapter will consider the role of gender and the impact of gendered narratives on detention and precarity in terms of the evidence provided in the research and literature.

5.2 Reasons for Leaving

It is essential to understand reasons for leaving countries of origin, as these reasons provide the context of the conditions of the participants' experiences in their countries of origin. The reasons described by participants can be broadly categorised as social, political and economic reasons for leaving. Below is a table which illustrates the continent, country of origin and gender disaggregation of the participants.

Table 5 Disaggregation of Participants

Africa	Latin America
Zimbabwe (3 men & 3 women)	Bolivia (1 woman)

DRC (2 men and 1 woman)	Guyana (1 woman)
Malawi (2 men)	

With six of the participants coming from Zimbabwe, comprising forty-six percent of the participants, it is necessary to understand the context of Zimbabwe. Zimbabwe is facing a collapsed economy, oppression of political opposition, hyperinflation, unemployment and widespread human rights violations (Bloch, 2010:234). These conditions have led to increased migration flows from Zimbabwe directly to neighbouring South Africa (Crush, Tawodzera, Chikanda & Ramachandran, 2017). As participants from Zimbabwe described, economic conditions were “*hard*”, and few participants saw means through which they would be able to support their families. One of the women from Zimbabwe highlighted that because she was uneducated, she had decided to come to South Africa for better employment opportunities. The conditions described above would fall under the more traditional conceptualisations of precarity, as a result of economic hardship and job scarcity.

The economic conditions described, fit the description of traditional post-Fordism conceptualisations of precarity, as a “class in the making”. Individuals occupying this space are often referred to as the *precarité* (Offe, 2011:467). One woman stated that she and her husband had been shop owners until the decline of the economy in the early 2000s, which had resulted in their losing their business. This experience illustrates how the economic stability of the individual is constructed by deteriorating economies, and how economic conditions can lead to precarity.

Many migrants, refugees and asylum-seekers are responsible for relieving the precarity of their family members at home. Participants reported sending remittances to family members abroad. Some research has suggested that approximately R11.2 billion per annum was sent to SADC countries, of which approximately 68% was estimated to be sent through informal channels. The same research also suggests that 59% of remittances are sent to Zimbabwe (Truen & Chrisandza, 2012: iii). Remittances have been correlated with significant GDP growth in SADC countries, illustrating that the regional economy is dependent on foreign migrants (Bandura, Zivanomoyo & Tsaurai, 2019:72). Remittances are not only considered an important economic activity for migrant workers but also for refugees and asylum-seekers.

These relationships are largely studied in the Western Hemisphere, but there has been little focus on refugee remittances in Africa (Lindley, 2011, Serey, 2017, Hewa & Stuart, 2020).

It is common for families of various social classes to send a member abroad to ensure basic survival of their families (McGregor, 2007:806). In many cases, participants were responsible for sending remittances to family members in their countries of origin or elsewhere, to ensure their livelihoods, schooling and survival. Economic conditions in countries of origin were often mentioned as one of the conditions precipitating participants' reasons for leaving. In addition to economic reasons, familial or relational circumstances and ongoing conflict were cited as reasons for migration. Research conducted by Amit for the African Centre for Migration Studies found that less than half of her respondents stated that economic factors were their sole motivation for flight (2015:10). Unlike Amit, respondents in this study came from varying groups: undocumented migrants, "illegal" migrants and asylum-seekers. The target sample of Amit's research comprised individuals who were applying for asylum, whereas the present research focuses on migrants, refugees and asylum-seekers detained at Lindela. Women were more likely to raise their responsibility for supporting their children financially as a first point, with some respondents having left their children with family members. The men who participated were less likely to raise this concern unprompted. This will be considered in more depth in the *gender considerations* section of this chapter.

Armed conflict and continuing violence were highlighted by two participants from the Democratic Republic of Congo (DRC) as their reasons for migrating. Both stated that their reasons for leaving were civil war. In Chapter 4, these individuals were referred to as Participant X and Participant Y. Participant X was directly affected by fighting involving the Democratic Forces for the Liberation of Rwanda (DFLR), which resulted in members of his family being killed in an attack on their village. Participant Y explicitly stated that the political situation in the DRC was the reason why he left. "*I was afraid of the fighting.*" His father had been killed in his childhood home, in front of him. His mother had tried to escape with his siblings in a vehicle but had also been killed in the attack. These respondents' accounts fall into the traditional definitions of refugees and confirm the findings of Amit's research (Amit, 2015 & Freedman, 2007). Indefinite detention and an indeterminate amount of time spent in detention represents a suspension of law. The suspension of the role of law is not only determined by the time spent in detention but also represents the borders of legal jurisdictions (Butler, 2004:51). The description of liminal spaces within this context fits well,

where detention is a state of liminality (Sutton, Vingeswaran, & Wels, 2011 & Klaaren & Ramji, 2001).

Precarious economic and job conditions were cited by two women interviewed in the course of this research. Both women from South America were convicted of drug-trafficking charges in South Africa. Both stated that economic hardships and the lack of job opportunities had compelled them to look for other means of ensuring their livelihoods. One woman stated that even with a tertiary degree, finding work was challenging in her country. Precarious livelihoods are further exacerbated when individuals are used by criminal networks as bodies to be acted upon. As seen by the research conducted by Poole, participants put their rights at risk for a sum of money and an aeroplane ticket to escape poverty within their countries of origin (2007:143). Criminal networks in this instance can be seen to prey on the precarity of these women, by offering money and freedom in return for transporting illicit goods.

Unlike the male participants from the DRC, a woman respondent from the DRC stated that she had come to South Africa for better work opportunities. The interview was difficult for the researcher to conduct, because the woman was not able to speak fluent English. In addition to this, the woman from the DRC was the only one of the three to highlight that economic reasons were her motivation for leaving. The fighting in parts of the DRC, specifically in the Eastern DRC, did not affect her directly. However, Freedman argues that political conflict can cause poor economic conditions and a lack of social development (2007:4). The link between political, economic and social factors are integral to everyday experiences, and when these conditions are poor, they can result in migration. Economic precarity is not confined to the reasons for migration, but follows migrants, asylum-seekers and refugees to their host countries. Participants recount difficulties in securing an income and in many cases have accepted job opportunities in the informal sector, including domestic work, hawking, and construction. A majority of the women interviewed had taken work as domestic cleaners, and others had been unable to secure work. A participant from the DRC stated that she had become homeless while looking for work in Cape Town before returning to Gauteng where she was arrested.

5.3 Circumstances of arrest and criminalisation

The carceral state does not only detain bodies, it also constructs these bodies, and the rejection of bodies is the ultimate statement of nationality and what the nation looks like (Mountz et al.). The criminalisation of immigration violations characterises the construction of these bodies and forms part of the construction of the nation (Barker, 2012:116). The mobility of migrants, whether of informal, refugees or asylum-seekers, challenges the sovereignty of the nation-state. The carceral state has increasingly shifted its focus from criminal behaviour within its own population to administrative violations of asylum-seekers, migrants and refugees (Bosworth & Kuafman, 2011:429). This shift of focus has increased preoccupation of law enforcement with the legality of entry and stays of foreign nationals within the country. This preoccupation should also be viewed as being in line with ethnicity, race and wealth.

5.3.1 Insecure crossings

The migrant or asylum-seeker often conjures up images of dangerous border crossings or images of asylum-seekers in boats crossing the Mediterranean (Carens, 1987:251). However, in the case of this research, the "*bush*" was often mentioned by those crossing borders informally into South Africa. The inability to obtain documentation can lead to individuals crossing borders informally through what is referred to as "bush routes" (Amit, 2015:33). The ability to obtain documentation is dependent on functioning governments in the country of origin, the absence of violence and war, and the economic means to procure passports. Many participants stated the cost and time associated with obtaining passports had often dissuaded them from obtaining them. Documentation was an important concern for the participants, whether it was a passport or a permit. Migrants from neighbouring countries were exempted from having to obtain a visa to enter South Africa and the length of a legal stay within the country during a visit varies from country to country (<http://www.dha.gov.za/index.php/immigration-services/exempt-countries> [2019, October 3]). For example, Zimbabweans are entitled to receive a 90 days' visitor's visa for the country upon entry; Malawians 30 days; but individuals from the DRC are not entitled to entry unless they possess diplomatic or service passports (<http://www.dha.gov.za/index.php/immigration-services/exempt-countries> [2019, October 3]).

Bush routes and other informal kinds of crossing constitute a high risk for participants. Among the research participants, Beitbridge was often mentioned, where “hyenas”, truck drivers and other travellers maintain close contact with officials in order to negotiate customs tax on goods and to bring undocumented travellers across (Tshabalala, 2019:442). “*Hyenas*” is a term used by private transporters within their networks “as a term of endearment” and refers to the practice of negotiating passage at the borders (Tshabalala, 2019:447). For women, informal crossing can present dangers not experienced by men, including physical and sexual assault and/or exploitation. Research conducted by Chireshe found a number of difficulties faced by women travelling to and from South Africa (2014). The personal vulnerability faced by women included rape, robbery, murder and sex as payment for assistance when crossing the border illegally. Other vulnerabilities include sexual abuse and sexually transmitted diseases through unwanted sex (Chireshe, 2014: 194). In the case of one woman, she had paid the bus driver a fee to get across the border. She did not mention experiencing sexual exploitation or assault. During the border crossing, she had remained seated on the bus and was not asked to produce a passport by any officials. In another case, a male participant had been travelling with a truck driver from Malawi. When they reached the border, they had waited until the truck driver’s “*friend*” came on duty before crossing. This kind of assistance is highlighted in the research conducted by Tshabalala, specifically about Beitbridge (2019).

Informal crossing can also form part of formal crossings, with some returning with funds to obtain passports they were not able to afford previously. Zimbabwean participants would often explain that they would enter the country illegally, only to return to their country of origin to enter legally again. Many would also utilise the 30-day visitor’s visa by continual renewals and crossing between South Africa and Zimbabwe.

The risks highlighted by participants during illegal crossings include crossing natural barriers, criminality and sexual violence. The Limpopo River is an important natural barrier and marker for illegal crossings from Zimbabwe. The crossing can be dangerous, and migrants can drown, be washed away or be attacked by crocodiles (Machecka, Lunga & Musarurwa, 2015:254). Other participants highlighted that while crossing, one could be robbed and killed. If the migrant is a woman, she might be raped by “*men*” who wait in the bushes. Many asylum-seekers pass through more than two countries to get to their destinations. They are often dependent on the goodwill of passers-by, smugglers or truck

drivers for transportation. Some of the participants described that they would spend their time unsure of where they would sleep, obtain their next meal, or travel from day to day. Research has shown that women asylum-seekers are particularly vulnerable to sexual violence and exploitation on this journey. Women fleeing from violence will often ensure that they receive contraceptive injections prior to travel because they expect to be subjected to sexual violence on their journey (Taylor, 2016). These experiences highlight the physical dangers faced by migrants, especially women, during insecure crossings.

5.3.2 Barriers to regularisation

There are two ways by which the data obtained illustrates barriers to regularisation: the first is from participant data and the second from informal conversations with Lindela Facilities Management. Many of the participants stated that they found difficulty in obtaining work permits and asylum-seeker status. It is well known that corruption is imbedded in state institutions, like the DHA, and is perpetuated by officials due to evolving and consistent ambiguity (Alfaro-Velcamp & Shaw 2016:986). Laws are ambiguous, allowing for corruption to thrive and creating an environment where documentation becomes a commodity (Alfaro-Velcamp & Shaw, 2016:986).

To understand why migrants undertake illegal crossings, research conducted by Machecka, Lunga and Musarurwa show that there are three primary reasons characterised by a preliminary illegal entry, then followed by arrest and then deportation (Machecka, Lunga & Musarurwa, 2015:252). Similar behaviour can be observed through the interviews undertaken with participants in this research. It was common for participants to enter the country illegally first, although not always followed by arrest and deportation; then to return to their country of origin to obtain a passport and then to return to South Africa. In some cases, participants made repeated illegal entries and had experienced a number of arrests before being deported.

For the participants from Zimbabwe, many used days granted upon entry to regularise their stay in South Africa, while others sought and obtained work permits. One woman recounted that she had begun to miscount her days on her passport, which had resulted in her arrest. Miscounts or the inability to obtain days would result in deportation for some participants, particularly those travelling regularly through Botswana, South Africa and Zimbabwe in

order to maintain the legal number of days in their passports. Conversely, participants also reported that they were often granted fewer than the prescribed number of days when formally crossing through borders. These incidents reveal how officials and security can produce illegality and make regularisation difficult. This will be discussed in the next section.

Miscalculation of the available days granted on entry (a numbers game) of those frequently moving without a permit, sometimes resulted in arrest. The inability of migrants to obtain a permit created insecure employment situations and left them vulnerable to workplace abuse (Bloch, 2010:241). Respondents stated that when they could apply for work permits, they would go through the application process only to hear nothing further regarding the status of their applications from the DHA. One participant complained that the price of obtaining a work permit was too high and unaffordable. The processes available to migrants to regularise their stay in South Africa can be costly both in time and money, leaving many to seek employment in the informal sector. There is a relationship between class and race: specifically, how the cost of permits facilitates or inhibits more impoverished migrants from regularising their stay in South Africa.

From the research can be seen that the costs associated with obtaining work permits are a significant barrier for poor migrants. Permits afford migrants protection under South African law and this does not extend to those who are undocumented. Combined with working in the informal sector i.e. farming, construction, domestic work, and small business sectors, undocumented migrants are more vulnerable to abuse from employers (Bloch, 2010:241). One participant stated that he often found it difficult to be paid by his employers in the construction industry. It can be argued that regularisation and avenues for work are reserved for those who are white (European and American) and wealthy, particularly in the area of special skills visas (Critical Skills Visa, 2019). There is some evidence which has shown that often migrants buy false South African identity documents from the DHA to stay in South Africa (Muzondidya, 2015:10, Alfaro-Velcamp & Shaw, 2016). Similarly, other research has shown that Refugee Reception Offices are also complicit in corruption (Amit, 2015). This, highlights the fact that migrants, asylum-seekers and refugees are often forced to pursue other avenues, often criminal, to regularise their stay. One of the asylum-seekers interviewed stated that DHA was corrupt and that his Section 22 permit would be threatened. He also further elaborated that officials would ask for bribes.

Of the participants, one individual had applied through an RRO for an asylum-seeker's permit (Section 22 permit). The purpose of a Section 22 permit is to grant a temporary stay while the applicants' refugee status is determined. In the case of another respondent who had to renew his Section 22 permit every six months at the RRO where the application was placed, his renewal was denied, leading to his later arrest. The basis of the rejection on an inconsistent statement is commonplace with many incidents of mistranslation occurring during the application process. Officials do not supply interpreters to applicants when they are required and do not inform applicants of their rights (Vigneswaran, 2008:47).

Inaccurate or faulty translation places applicants in a position where they are not able to defend themselves or accurately formulate their statements (as was the case of a Somali translating a statement from another language into English) (Vigneswaran, 2008:47). Many asylum-seekers are denied a renewal due to misinterpretation or mis-translation. The participant also stated that DHA had not informed him of his rights, nor were they forthcoming. Research has shown that this kind of behaviour is typical, particularly in RROs (Amit & Kriger, 2014; Landau & Amit, 2014; Amit, 2012).

Another participant who wanted to apply for asylum had been arrested before he could do so. For refugees and asylum-seekers, there are several barriers which can inhibit their ability to gain recognised refugee status in South Africa. These are discussed in great detail in Chapter 2, and include procedural errors, backlogs, and difficulty gaining entry to an RRO. Acts of corruption, non-response or denying individuals their rights are means through which government officials create illegality, essentially criminalising poor black migration.

5.3.3 Criminalisation

Criminalisation occurs throughout an individual's migration story, through limited pathways to regularise their stay in South Africa. Instances of barriers leading to criminalisation are seen through participant experiences, in the ability to obtain permits and documentation and their experiences of arrests. Those who migrate from other African countries often do not have the economic means to pay for passports or permits. Also, many do not have the education required to apply for other permits, such as special skills permit. The increased

securitisation and barriers to immigration will not be successful in limiting migration or inhibiting it.

Migrants, asylum-seekers and refugees describe continual fear of authorities including, if not especially, of the police. Many of the beneficiaries reported that they had been regularly stopped by the police, whether while walking on the street or while in public transport. One of the women interviewed reported that the police had spoken to them in Zulu and had asked to see identification: either their Identification Documents or passports. One participant described the experience as being treated like a criminal. One of the men interviewed stated that he did not feel welcome because there was a constant fear of arrests, as police seemed to be actively looking for those without documentation. While in the country, many of those without the required documentation were in a near-constant state of fear of arrest. Within the South African context, the “Other” (foreign national) has been constructed through government narratives as exactly synonymous with *criminals*. 2019 saw a spate of arrests of foreign nationals in Johannesburg CBD for trade in illegal and counterfeit goods. According to the DHA, 487 of 659 who were arrested were in the country illegally and 117 had some form of documentation from the DHA (Nshidi, 2019). While executing the law, the incident shows how the police have come to focus on foreign nationals for administrative infringement. The attitude of illegal migration as criminality was echoed in a statement given by Bongani Bongo (Committee Chair for the Parliamentary Portfolio Committee for the DHA) that illegal immigration should be discouraged (Adebayo, 2019). It can be argued that the South African Police Service (SAPS) has turned a blind eye to the criminal behaviour of South Africans. At the same time Gauteng was experiencing a wave of xenophobic violence. The carceral state has shifted its focus from domestic detainable populations to foreign nationals through criminalising administrative infringements of foreign nationals and has turned a blind eye to the criminality of South Africans.

The term *refugee*, in South Africa, is often used to refer to a migrant from another African country and is used interchangeably to refer to both the “economic migrant” and refugee (Alfaro-Velcamp & Shaw, 2016:985). Barriers to regularisation either in the asylum-seeking process or permit process force migrants to either remain in the country without documentation or to purchase documents from corrupt officials (Alfaro-Velcamp & Shaw, 2016:985), while in some cases forcing migrants to make repeated informal crossings over the border. Some participants in the research had applied for work permits, but for a number

of reasons were either not informed of the decisions pertaining to their applications or were rejected. The inability to regularise their stay, even through legitimate means, causes migrants, asylum-seekers and refugees to seek other means, often resorting to corruption. In this way, migrants are forced to either enter the country illegally, to remain in the country illegally, to practice criminal behaviour or to become involved in corruption to obtain documents.

For the participant who sought asylum in South Africa, the application process was not explained, nor was he briefed on what his rights were by the Refugee Reception Officer. In research conducted, Vingeswaran found that officials largely did not support applicants in completing forms or ensuring that the process would allow for a fair adjudication; or in some cases provide asylum-seekers with protecting documentation (2008). Institutional mechanisms of illegality in South Africa consist of regularisation programs which are mired in bureaucratic ineffectiveness and a lack of political support. RROs are greatly underfunded. This coupled with a largely ineffective DHA, contributes to producing illegality and therefore criminalisation (Klaaren & Ramji, 2001:39). Procedural irregularities and extra-judicial authority over deportation are present in the research findings. Often officials neglect to confirm the validity of documents or claims made by those arrested regarding their immigration status (Sutton & Vingeswaran, 2011:631). Often arrests and detention happen to those who have valid documentation (Ekambaram⁵,2019). Also, officials fail to inform detainees of their rights and of decisions to deport them (Sutton & Vingeswaran, 2011:631-632). This kind of attitude was reflected in the informal conversations held with DHA staff at Lindela, who believed that detainees were criminals, using terms such as “inmates” to describe detainees.

Many of the individuals interviewed at Lindela, did not know their deportation date. One participant did not know whether she would be deported or not at the time of the interview. Most notable in the data collected were perceptions expressed by officials at the facility, stating that all people arrested at Lindela were detained and their cases resolved. In addition, officials expressed the belief that those detained at Lindela were criminals and referred to them as “*inmates*”. Furthermore, gaining access to legal counsel at Lindela is impossible,

⁵ The researcher (Student 17850630) was contacted by a staff member of Lawyers for Human Rights about gaining access to Lindela, where her client was illegally detained.

especially if detainees are not known to human rights organisations and litigation organizations, or have no access to a private lawyer. A common perception among participants is the belief that seeing their embassy or the judge in the magistrate's court at Lindela is equal to legal counsel. However, there were other participants who stated that they did not have access to legal counsel. One DHA official at Lindela told a respondent that she would not need a lawyer once at Lindela. The behaviour of officials at Lindela, causes the creation of extra-judicial space removed from the public eye.

Furthermore, it was clear that all those detained at Lindela had spent some time in prison or at police stations for their violations of immigration laws. Those who had spent time in prison were of particular interest to the researcher, as detainees had been sent to prisons housing criminals. This practice is the norm and shows the level to which immigration has been criminalised in South Africa. The inability and barriers to regularisation are created not only through policies, but through procedural irregularities, creating precarious conditions for migrants where they are not protected by the law, and subject to detention and deportation.

5.4 Life at Lindela

The literature review identified themes to strengthen the data analysis in understanding precarity while migrants, asylum-seekers and refugees are detained at Lindela. Supporting literature includes the work of Butler on precarity, liminal spaces, the role of spatiality, punitive means of punishment, torture, the removal and importance of support structures to name a few.

5.4.1 Power over bodies

Integral to understanding how the state exerts control over bodies, is the conceptualisation of the carceral state. The carceral state employs methods of punishment, particularly to fill penal institutions to enact governance on to populations (Simon, 2007 & Bernstein, 2012:233). In the South African context, the carceral state focuses on the “outsider” or “Other” found in migrant, asylum-seeking and refugee communities. It induces criminality in outsiders through barriers to regularisation, criminalizing migration, and searching actively for the outsider. This is particularly evident when noting how often some of the participants were stopped on a

daily basis by police, who checked for passports and identification. Targeted bodies are primarily black and poor, (Simon, 2011, & Bosworth, 2008). In South Africa, high levels of crime are often blamed on foreign nationals as seen in 2019, with arrests of foreign nationals in Johannesburg (Zulu, 2019). The state perpetuates xenophobic attitudes which have carceral implications for foreign nationals living in South Africa. Lindela has become the centre through which the state can enact not only policy but its attitude towards foreign nationals.

This power over bodies extends to Lindela where officials are able to extend waiting periods for detainees. This includes the judiciary where a makeshift Magistrate's Court is set up to extend the stays of detainees. Many of the detainees that were interviewed believed that seeing a judge is equivalent to receiving legal advice. Detainees did not have access to legal advice or counsel regarding their detention. A DHA official expressed the belief that once an individual has arrived at Lindela, the rule of law had been protected, even though this is well understood not to be the case, with civil society reporting many illegal detentions at the facility. Furthermore, rights organizations like Lawyers for Human Rights are not allowed free access those detained at Lindela. The individual needs to be known to them (LHR) and they are required to request access which can be denied by the DHA. Among the participants, there was an allegation of detention being extended beyond the legal time limit, through the removal of individuals from Lindela back to the prison system to return them to Lindela later. Available literature on Lindela does indicate that detention procedures are not reviewed by the court often and allow extra-judicial powers to be executed by the DHA (Landau & Amit, 2014:542).

These extra-judicial powers physically manifest themselves through the violence inflicted on bodies detained within the facility. Violence is monopolized by the state and its actors. In the case of Lindela, the role BOSASA staff plays in the control of bodies is central. BOSASA has been deeply implicated in state capture through the Zondo Commission. BOSASA staff and DHA officials appeared to the researcher to have a level of camaraderie. Multiple allegations were made by a number of participants of the use of torture by BOSASA officials. The allegations commonly revolved around men detained at the facility being beaten by BOSASA officials during lunch times. These allegations included the use of psychological torture by pharmacological manipulation through the use of withholding food. Guards would create the circumstances under which detained men would be concerned whether they would be able to get enough food. Guards would delay opening the men's' section for the midday

meal until the number of men had accumulated to the extent in which there would be a stampede to the cafeteria. Instances of the men running to the cafeteria were remarked on by both the BOSASA official and the DHA official when the researcher was given a tour of the facility. The enacting of violence on migrant, “Other” bodies, is echoed in Butler’s conceptualisation of precarity. The monopoly of violence and enacting violence is located in the hands of state actors. Responses to actors of violence are strongly contrasted when viewing the reaction of officials to protests by detainees at Lindela as outlined by Justice Edward Cameron’s report on the facility.

5.4.2 Spatiality and prison-like detention

Spatiality in the carceral state is important, constituting borders and buildings to hold bodies. Spatiality within the context of detention can be conceptualised as the removal of unwanted bodies, physically, from society and citizens. This physical removal can be geographically demonstrated and serves to remove connections with familial and community support as well as with legal counsel. Detention centres often operate in remote locations which are geographically isolated, making them difficult to be found as in the case of Lindela. The researcher was unable to find the facility with mobile GPS applications. The remote location puts a strain on detainees’ connections with not only legal advocates, but with family and community support as well (Mountz et al., 2012; Martin & Mitchelson, 2009). The remoteness of Lindela acts as an act of exclusion from society with natural barriers formed by old mine dumps and little immediate human settlement. Once removed from view, spatiality allows extra-judicial and torture to occur away from the view of society, ‘out of sight, out of mind’. Not only can the location of the detention facility impact detainees’ access to rights and information, but it also physically acts on them. It removes unwanted bodies from society physically, and constrains them in the State’s control through facility staff, walls, watch towers and guards. The high mobility of detainees means there are no legal repercussions because detainees leave the country within three to four months and are not able to make court cases against Lindela. In the carceral state, bodies are being acted upon, moved and subjugated to the will of the State.

The diagram (Figure 1) in the previous chapter roughly outlines the layout of the facility and maps out a series of courtyards and holding cells. Detainees are unable to see beyond the

walls that surround them, throughout the facility. Beyond these walls, there is a field which is then surrounded by an outer wall with watch towers and spotlights. Mobility is strictly controlled and monitored throughout the facility by security staff, consisting of DHA officials and BOSASA staff members. There are several gates and divisions which control the movement of bodies in and out of the facility. Times are stipulated for meals, to visit the “tuckshop”, for leaving the cells, to visit the library or even the medical facility. Detainees are always kept under the watchful eye of a BOSASA security member. Women detainees have women guards posted outside their section and similarly for the men who are detained. Cells are open rooms with steel bunk beds, steel doors and bars on the windows, closely resembling prison cells.

Spatiality at Lindela is governed entirely by DHA officials and BOSASA, with overlapping duties despite wearing distinguishable uniforms. The DHA is recognizable to detainees by khaki uniforms, while BOSASA wears similar uniforms but in navy blue. The DHA focuses on the external control of Lindela, at the gates and reception; whereas BOSASA⁶ is responsible for governing the internal space of Lindela. There is a kind of cameraderie between the two bodies running the facility. Not only does this relationship impact on the spatial control of Lindela, it also highlights the privatisation of services in the carceral state. A participant stated that the DHA would sometimes move detainees between Lindela and prison to ensure that they are not detained for longer than the allotted time. One can suspect that this may have to do with the costs associated with repatriation.

There are marked differences in the areas designated for men and women, highlighting gendered discourse in the spatial layout of the facility. Detainees are allowed out from early morning and are locked into the cells in the evenings. There were reports from participants of overcrowding in the men’s section where some participants claimed rooms housed up to 33 to 120 people in a “cell”. For the men’s section this meant small houses which comprised one large room with many bunk beds. The women were housed in single room with bunk beds. Participants complained that some of the cells were not opened for use when there was overcrowding; not all detainees had mattresses, blankets and pillows. The men’s section at Lindela is open, with little shelter from the weather and detainees are not allowed to remain

⁶ BOSASA is a company which has recently come into the public spotlight in the Zondo Commission for being involved in state corruption. Corruptions include tax fraud, bribing politicians (Cowan, 2019).

in their cells during the day. In contrast, women detained at the facility have similar accommodation with the exception that they have a social area where they spend the day. This includes a small netball court, a television room equipped with a television and benches with shelter. The creation of spaces plays into gendered and sexualized stereotypes: men detained at Lindela are viewed as threats and women as victims (Mountz et al, 2012:531). The researcher was not able to enter the men's section as both DHA officials and BOSASA officials felt that it would be too dangerous to enter the men's section. The belief that the men's section was too dangerous highlights the perception held by many immigration officials that men are threats and women are vulnerable and powerless (Mountz et al., 2012:531). The result of this gendered spatiality is that often bodies are acted upon violently; specifically male bodies are subjected to harsher treatment than those of women.

5.4.3 Punitive means of punishment and torture

Despite the ratification of the OPCAT and numerous reports of abuse and torture produced by the SAHRC and civil society organisations; allegations of torture were still encountered during the course of this research. Punishment at the facility can be punitive or can manifest as torture. Participants reported that isolation cells are used to punish the use of cellphones within the facility. The only area where detainees are allowed to have access to and use cellphones is a storeroom. This storeroom is where personal belongings of detainees are stowed and kept for "safekeeping", as reported by one official. Participants in the research stated that the punishment for having a cellphone on one's person without permission and outside the location of the storeroom is 21 days in solitary confinement. The use of solitary confinement is in direct contradiction with reports given to Justice Cameron, who was told by officials that there were no isolation cells or other means of "internal disciplinary mechanism" (Justice Cameron, 2012:13).

Furthermore, physical threats of violence are ever-present in the facility, while none of the guards appeared armed. Displays of arbitrary power, even against the researcher, illustrate that power relationships dominate the space. Male participants and even one woman participant recounted that BOSASA security staff would physically harm detainees through physical assault, described as *beatings*. One of the most reported times for acts of physical violence occurs during the time allocated for male detainees at Lindela to receive their mid-

day meal. Participants reported BOSASA staff would physically assault male detainees with belts while they waited in the line for lunch. When asked how often this occurs, a participant responded, "*many times*". It is important to note that this participant had been at the facility for almost two months at the time of the interview. Also reported by participants, was that BOSASA staff would allow the number of men to accumulate at the gates leading from the men's section to the cafeteria. One participant alleged that this was done deliberately to cause a build-up of detainees. The participant then recounted that this would cause detainees to run to the cafeteria, further saying, "*I think it makes them happy to see people running.*" With some detainees complaining of food shortages, these actions demonstrate deliberate methods of treatment in contravention of the OPCAT. While the researcher was on a tour of the facility, the BOSASA manager and a DHA official laughed when they told her how sometimes the detainees would run to get lunch. Another participant reported that during the time he was detained at Lindela, he had seen two or three detainees with bandages following physical assaults. These assaults were related to trying to get a meal from the cafeteria. Not only does this indicate that the DHA officials and BOSASA staff are aware of the physical attacks on detainees, but that the medical staff at the facility could also be complicit.

Acts of violence reported by participants do not only occur during mealtimes but also throughout the day. One man described that arbitrary displays of power could result in BOSASA staff physically assaulting detainees. One participant explained that if a detainee was asked to hand over, cigarettes for example, to staff and did not do it, it would result in physical violence from the staff member. When asking one man if it had ever seen severe cases of physical injury, he explained that one individual had been taken to a different section and physically assaulted. The assault had resulted in the individual's not being able to walk for four days. These reports of physical violence demonstrate how methods of torture in excluded and suspended spaces are often practised, yet remain unseen by external private companies.

There have been several reports detailing the physical abuse faced by detainees, including two LHR reports. The first was a report released in 2010 and the second submission in 2012 to the Special Rapporteur on Human Rights of Migrants. Another report was written by the African Centre for Migration Studies also detailing physical abuse. As stated by Justice Cameron, the mobility of the detainees means they are often not kept at the facility long enough for allegations and complaints to be made (2012:15). One can argue, however, that

this may well be the case, but detainees are also kept from counsel and isolated from recourse. This isolation and threat of violence create lingering conditions of precarity for those detained and cases of torture to go unreported.

5.4.4. Support structures

Familial separation was a dominant theme among participants, and even those who had been arrested with their spouses were separated. Separation went beyond physical separation and included telephone contact with limited access to cellphones and only one public phone at Lindela. The public phone was not free of charge and only domestic calls could be placed. For participants who did not have family members residing in South Africa, it was difficult to make contact or to make arrangements with family members. Of particular concern for participants were funds to purchase tickets for their deportation transport. It also meant, for some participants who have families in South Africa, that they were physically and permanently separated from them after deportation. Detainees are often separated from loved ones, not only through detention but through the circumstances which had led to their migration story, and again throughout their journey.

Support structures within the facility and between detainees are characterised by language and nationality. Many participants indicated that they were more likely to form relationships with detainees from the same country or those who spoke their language. Language, for many participants, was a primary barrier to forming relationships noting that if other detainees were unable to speak their language or English, they found it difficult to form a relationship. One participant stated, "*language is a problem: some people can feel alone.*" The inability to form support structures for some in the facility, could have a negative effect on detainees, especially if there was no-one else from their country of origin. For those who had co-detainees from their countries of origin at Lindela, support could take various forms. One woman explained that she would often take food to her, "*homeboys*," her male counterparts. Other participants would recount that they would have confidantes among people from their countries of origin.

5.4.4 Deportation & Sustenance

Firstly, the ability of individuals to leave Lindela is predicated on their ability to pay their way out. The cost of deportation according to participant reports was only paid by the DHA if an individual had been detained at Lindela for 120 days. On several occasions, participants requested financial aid from the researcher to help them pay for their bus tickets. The practice, while legal, means that individuals are sometimes detained for an indeterminate time before they are either released or deported. Participants often explained that they did not know when they would be deported or if they could get enough money to pay for a bus ticket. Those who were required to fly had to obtain flights at their own cost, leaving many unsure when they would be able to leave. Liminal spaces are created in the period of waiting, where a feeling of confusion, frustration and anxiety are symbolic of the end of a queue (Sutton, Vingeswaran & Wels, 2011:34). In the consolidated notes from the research interviews, “waiting” was mentioned by participants 14 times. One of the participants stated that she felt she was in “*limbo*”, another participant said “*Eish*”, *don’t know what to say. I am just waiting what to do. Just waiting for anything*”. Also, one participant explained that he felt he was treated like a prisoner and that Lindela was not a waiting area. Areas of waiting were not confined to Lindela, but also extended to periods of waiting in prison cells. The indeterminate length of detention by the state is related to sovereignty and the creation of the “Other”, since foreign bodies are removed from society, from their communities and geographically, without control over their time and space (Poole, 2007:142, & Martin & Mitchelson, 2009).

Occurrences of indefinite detention are linked to circumstances where the rule of law is suspended and extra-judicial actions are enacted on bodies within the liminal space (Butler, 2004:51). As highlighted in Chapter 2, where sovereignty is sanctioned to suspend the law, governmentality is allowed to operate in an extra-legal manner (Butler, 2004:55). The law is suspended in the name of sovereignty and signifies the role of the State in ensuring its preservation and the protection of its territory (Butler, 2004:55). In South Africa, anti-foreign sentiments are clearly exhibited in the rhetoric utilised by the South African government and the DHA.

Food, mealtimes and control are often foremost in the minds of participants. Mealtimes are contests for survival and the arena where violence against detainees takes place; where detainees are dehumanized. The fact that violence is more regularly meted out against men than against women may be due to several factors. Among these may be the greater number of men detained in comparison to the number of women. Gender stereotypes create women as

victims and men are often assumed to be criminals, eliciting the gendered response of direct violence towards the men detained at Lindela. This is directly linked to the gendered aspects of detention described by Hermándeéz and Mountz et al. (2012, & 2012) in Chapter 2. Of further concern are that the times between meals are long and the nutritional intake is not sufficient; not in accordance with guidelines set out for prisons. Women detained at Lindela are allowed to take their lunch back to their section, while men are not allowed to do so. In an annexure to the Immigration Act, there is a prerequisite regarding the time between meals. This annexure requires that prisoners are given three meals a day, with no longer than 14 hours between the evening meal and breakfast. Furthermore, the report compiled by civil society actors stipulates that meals are required to be balanced to include, grain, fruits, vegetables, dairy products, meat, protein, fats, oils and sugar. The meals described by participants are similar and correspond to those outlined in Justice Cameron's report (2012). This highlights the fact that no remedial action has been taken since the report was released or if there had been, it was not maintained. The time reported by participants between dinner and breakfast does not meet these minimum standards. The meals are outlined in detail in Justice Cameron's reports and correspond with the accounts given by participants. It has been seven years since the report was compiled and much of the information regarding meals has remained unchanged.

5.5 Discrimination and Xenophobia

5.5.1 Suspension of rights

Lindela is a site of multiple rights violations, one of which is the manner in which legal process are applied which results in detainees having difficulty trying to access legal counsel (Moshenberg, 2016:115). There were several instances in which participants were actively barred from legal counsel. Many of the participants did not know that LHR was an active presence at the facility, nor had many of the participants encountered any members of the Red Cross. The present research highlights the difficulties faced by human rights organizations in gaining access to the facility. Participants often stated that the only legal counsel they had received was during their court cases; viewing the judge as a source of legal counsel, and many view their embassies as legal counsel. These suspensions of rights create

conditions in which officials are able to detain individuals for extended periods of time, with detainees being unaware of their legal rights.

In addition, the temporary Magistrate's Court within the facility also misleads participants into thinking they have seen legal counsel. This creates a false sense of representation and the protection of their rights. Some participants interviewed reported that DHA officials had stated explicitly that "they do not allow lawyers into the facility" and further expressed the belief that detainees do not require legal counsel. The inability of detainees to be provided with legal counsel represents a suspension of rights. It is also a reminder that detainees are seen as only bodies in transit, bodies to be constrained and bodies without liberty.

5.5.2 Verbal and Physical Attacks

Participants experience varying degrees of xenophobia outside and inside Lindela and in prison. Scholars such as Dodson argue that the end of apartheid necessitated the creation of a new "other", particularly the foreign national, as a lens through which one can understand the nature of the anti-foreign sentiment and xenophobia in South Africa (Dodson, 2010:6). Participants recounted encountering abusive terms such as "*kwerekwere*" and "*shungan*", particularly while in prison and at Lindela. Experiences of derogatory names are not limited to Lindela and prisons, but also extend into the everyday lives of participants prior to detention. Physical appearance and markers of difference are often used to identify the foreigner. As one participant said, "*maybe they know, through dress, that someone is a foreigner.*" Participants also recounted similar verbal attacks coming from the police. Despite this, many of the participants were not partial to the use of the word xenophobia and preferred to refer to the behaviour as discriminatory.

Physical violence in everyday life was only reported by a small number of the participants. For example, one of the men interviewed had experienced physical violence while in South Africa because of his nationality. He recounted that he had run a small business through fixing broken electronics and that disagreements with South African customers had led to violence. He referred to one occasion in which he had repaired an item for a South African and the repair would not last, leading to the customer wanting a refund where if he refused, he would be attacked. Another participant recounted that a group of young men had

attempted to attack him while he was in Musina because of his nationality. Another participant recounted that he had experienced physical attacks often in prison because of his nationality. Two other participants reported having experienced physical violence, one in prison, and the others saw violence happen. One woman described her experience of arrest as a physical attack. When fleeing the police, she described herself as fearful and the treatment by the police as “rough”. In the contexts in which participants place their experiences of interest, they do not refer to the attacks as xenophobic, but will often allude to xenophobia in other parts of the interview. These everyday experiences of verbal racism can also be seen in other research, such as that conducted by Dodson (2010). In his research, descriptions by participants of “racist” remarks are used towards foreigners (Dodson, 2010:16).

5.5.3 Attitudes of Officials

Understanding the attitudes of officials towards participants in the present research and those expressed to the researcher are important when understanding discrimination perpetrated by them. There has been some investigation into the behaviour of DHA officials outside Lindela, but there have been few attempts to uncover the attitudes of officials at Lindela (Vingeswaran, 2008, & Amit, 2012). While on a tour of Lindela, an official explained to the researcher that once Lindela detainees’ cases have been adjudicated justly and there has been an outcome, detainees are criminals. This logic is that the immigration violations were equivalent to, if not the same as, criminal offences. Both DHA and BOSASA management referred to detainees as “*inmates*”, revealing the entrenchment and internalisation of the idea that detainees are criminals. This internalisation can be further seen through participants referring to Lindela as being “inside”, a term commonly associated with the penal system. In addition to this, the participants’ descriptions of the behaviour exhibited by arresting officials, BOSASA officials and DHA officials at the facility, show that they are perceived as criminal but are not afforded the rights criminals would be. One participant recounted a statement made by a SAPS official when she asked how long she would be detained for, to which he replied, “*it’s not your business, you are a prisoner.*” These experiences can reveal the perception of not only immigration officials but the SAPS beliefs around migration and legality, in which foreign bodies are constructed as unwanted.

5.6 Conditions of Precarity and Gender

It is important to note that questions asked during the course of the present research can broadly be grouped into three areas: first the migration story, second the experience of migrants, refugees and asylum-seekers in South Africa and lastly experiences at Lindela. Conditions of precarity can be identified throughout different aspects of the participants' experiences. This research strongly suggests that an intersectional understanding of bodies, and the ways in which bodies are acted on by the state, are closely linked to the economic status of those bodies. Women, especially poor women from other African countries, are often in more precarious positions. These women often find work in the informal economy as domestic workers, away from the public sphere and in more affluent communities, while men also work in the informal sector, but these are often in more public spaces such as construction. The relegation of women's labour to the private sphere may account for the low number of women that are detained at the facility.

As previously illustrated, insecure circumstances and crossings are a predicator of precarity among participants. Prompted by poor economic, political or social conditions in their countries of origin, individuals seek betterment elsewhere. Migration routes between countries are filled with insecure crossings, for the economically, politically or socially disadvantaged. Insecure crossings can be characterised by natural barriers along with criminal activity and corrupt officials. Bush crossings were a common theme among participants, since they placed their lives in danger from the environment and from criminals.

In South Africa, the host country, precarity can be characterised by a constant fear of arrest. Police seem to focus on target areas in public spaces, like public transport. One participant recalled that public transport vehicles would be stopped continuously. Physical and identifiable characteristics of "Otherness" including dress were used as markers to identify those who were arrested. These markers also include language, where SAPS would speak to participants in Zulu prior to arrest, when asking for their documentation. Fear of arrest was a common phenomenon among many of the participants which also included a mistrust of neighbours. The experience of arrest also meant many, if not all, the participants had to leave their belongings behind in South Africa. None of the participants reported that they were able to get their personal belongings once they had been arrested by the police. This meant that sometimes, participants often wore the clothes in which they had been arrested for longer

than 2 months. Unless participants had familial or community connections willing to come to Lindela, they were often without personal belongings. Some participants had also left their children (often minors) behind in South Africa. Being physically removed from their lives and sometimes from the families they have created in South Africa can be considered a condition of precarity.

Women who were interviewed were more likely to have been caught accidentally than their male counterparts, highlighting that migrant, asylum-seeking, and refugee women often form part of the informal economy. Many of the women who had been interviewed were the sole caretakers of their families and in particular, caretakers of children. One of the women interviewed had her children in South African schools and worried about the ability of her eldest to complete matric. One of the women interviewed had not been able to keep a position within the informal economy and had become homeless before being arrested by the police. Many of the women who were interviewed originated from Zimbabwe and had come to South Africa as a result of the political and economic situation in Zimbabwe. Many of the women who were interviewed were single mothers, responsible for the wellbeing of their children.

Lindela represents a liminal space, as described by Sutton and Vingeswaran (2011), where people are sent to wait, particular those who are poor and black. Lindela symbolises waiting, with no determined end for those who are detained there. The limbo created extends beyond the feeling of waiting in RROs or Home Affairs offices, into an indeterminate period of transit. DHA officials often do not inform detainees of their deportation dates. The primary responsibility of deportation is dependent on the ability of the individuals to be able to pay for their repatriation. Therefore, those with money are able to leave Lindela in a relatively short period of time. On the other hand, others have to wait to either accumulate the funds through community and familial networks or wait until the state has determined that they are able to be deported. Extremely telling of this space is the following quote from a participant, *"I am just waiting what to do. Just waiting for anything."*

In this liminal space, detainees are unable to foresee the future and plan for it. Many of the participants believe they have built lives for themselves in South Africa, often with partners and children, but have been separated from those lives. From the participants interviewed, only those who were leaving the facility seem able to express positive plans for what the

future may hold. Other participants focus on how they will improve their lives. However, several participants were substantially uncertain about their future; some expressed dismay, others found difficulty in imagining how to rebuild their lives. Some of the participants who have South African partners and children born in the country, find the prospect of the future too challenging to contemplate. For some of the participants, religion and belief played an important part in comforting them about the uncertainty surrounding their futures.

With uncertainty come feelings of hopelessness. Some feelings of hopelessness were relational, focused on their families. Some of the participants affirmed that they were hopeless but chose not to elaborate. When asked about hopelessness, religion once again played an important role as a comforter to participants who felt hopeless. One participant expressed feelings of guilt even at his inability to renew his asylum-seeking permit (Section 22), something beyond his control. Further, he also explained that he feels he is not afforded human rights as a refugee. Some of the participants, those the researcher suspected of being coached, responded that they did not have feelings of hopelessness. The creation of liminal spaces where individuals are not afforded control or dignity, result in precarity rooted in the control over bodies, the narrative that governs them and the control the carceral state can exert over them. The experience of liminal spaces is also gendered through reinforced narratives of women as victims and men as perpetrators. This narrative was reinforced through the attitudes of officials at the facility. Detainees were directly referred to as *inmates*, particularly the men. Women were allowed into the DHA section of the facility for the research interviews while the men could only be interviewed where guards could be placed at a door. Reinforced gender stereotypes also meant women were given different accommodation to men. The gendered treatment of detainees was also distinctly violent or non-violent. None of the women detained at the facility reported abuse but both men and women reported the abuse of men detained at the facility. This gendered treatment falls into traditional narratives of feminine and masculine bodies.

One of the objectives of the research question informed by Butlers' conceptualisation of precarity is to understand the precarious body. Where this precarity is prone to occur, violence is enacted by bodies on other bodies. Canefe argues that precarity is a form of structural violence, which leads to this research highlighting how violence is embedded in the norms and rules of Lindela (2018: 39). Therefore, one can consider this violence as the fear of loss of life that is omnipresent and may occur at any time. For some it was in informal

border crossings, for others it was arbitrary arrests, being left in limbo or being physically assaulted.

Precarious conditions include violence which can be enacted on detained bodies through the extra-judicial powers, which are granted to facility staff (Lindela) by the state. Reinforced narratives of migrants as criminals, remote detention and control over legal counsel allow state actors extra-judicial powers as outlined by Butler. Conditions of precarity have a negative impact on the mental wellbeing of detainees. One of the participants explained that at a point in her life she had been suicidal and had attempted to end her life multiple times. She said that her fear of other people taking her life had abated, knowing that there were cameras at Lindela.

When the question was posed whether women expressed a greater fear of sexual violence than men, many women agreed. One participant highlighted that she feared sexual violence in the process of deportation back to her country of origin. Another woman had experienced sexual violence while in prison. Women were more likely than their male counterparts to express concern for family members, including children. Women were also likely to serve shorter sentences than men if they were only charged with immigration violations. Furthermore, women tended to place a greater emphasis on their children, whether residing in their country of origin or in South Africa. Women were also reportedly treated better by officials and BOSASA security.

5.7 Conclusion

The data analysis has shown that there are multiple levels and areas in which migrants and asylum-seekers experience conditions of precarity. Precarious conditions within their countries of origin drive migrants to move to host countries, like South Africa, and these conditions can be broadly characterized as social, political and economic. While in South Africa, their stay is characterized by insecure crossings, barriers to regularisation, and the criminalisation of migration. Conditions of precarity can also be constructed through policies. Spatiality and prison-like detention govern the bodies of migrants and are informed by practices of the carceral state. The treatment of detainees by punitive means of punishment

and torture, the isolation of detainees, the suspension of rights are ways in which the carcerality of the state is expressed.

These conditions of precarity are expressed and experienced in feelings of hopelessness and fear by some of the participants, where participants are unable to plan for the future. There are some gendered considerations which play an important role in identifying the gender gap in conditions of precarity, such as where fear of sexual violence and the loss of relationships with children are felt more acutely by the women detained at Lindela.

6. Conclusion

6.1 Introduction

As the only detention facility within South Africa, Lindela presented a unique setting for researching conditions of precarity in detention. Lindela represents an intersection between the carceral state, gender, and precarity. The unavailability of literature or research of and at the facility, of the detainees or of staff practices is largely due to the difficulty of gaining access to the facility. However, conditions at the facility have gained some exposure through reports generated by the SAHRC, Human Rights Watch, LHR and visiting Justices. It has also been the case that these reports may not always be able to outline the daily existence of a largely transient population moving in and out of the facility for short periods of time. As one Justice indicated: the reduced time spent at the facility may be hiding the nature of the treatment faced by those detained there. Conditions at the facility have largely remained unexplored for both scholars and civil society. Reports have outlined not only accusations of abuse by security officials, but also procedural problems in medical care, nutritional standards, access to sanitary products for women, and violence between detainees, to name but a few.

The research undertaken in this thesis was aimed at exploring conditions of precarity and how those conditions can be gendered. The fact that conditions of precarity are not understood in the context of detention and that Lindela is understudied, prompted the research. The research explored conditions of precarity rooted in the theoretical framework of precarity conceptualised by Butler. The overall aim was to answer the research question:

What is the gendered nature of the conditions of precariousness for foreign nationals in South Africa?

The aim was not only to take into account the experiences while detained at Lindela, but also experiences prior to detention, including migration stories and the respondents' experiences while living in South Africa. To best answer this question, qualitative data collection methods were used, employing semi-structured interviews. Semi-structured interviews allowed the researcher to ask set research questions while also allowing her to probe deeper. This method

allowed the researcher to gain information on the lived experiences of detainees throughout their journeys and their eventual detention at Lindela. Further, the research sought to understand the interaction between detention and the carceral state, how conditions of precarity are constituted and whether these conditions are gendered.

6.2 Empirical Findings and Expectations

A review of available literature showed that recently there has been a shift in understanding the relationship between the carceral state and “foreign” bodies. Research has begun to focus on the “precarious resident” where rights of non-citizens are constrained, where deportation deprives migrants from family reunification, access to employment and the use of property (Matthew, 2009:9). The carceral state through penal systems excludes and contains the movement of foreign bodies (Barker, 2012: 119). The narrative around exclusions has been highlighted as racialised, where the “racial threat”, penal philosophies and practices lump aliens, foreign nationals and other groups together as being equally threatening to citizens (Barker, 2012:117). More research is being done into how surveillant assemblages are being used to illegalize migration (Villegas, 2015). This highlights how institutions such as banks and employers identify even tax-paying migrants, who are vulnerable to deportation (Villegas, 2015:231-239). In the South African context, discriminatory practices are coupled with the criminalisation of immigration offences. The increased surveillance with fingerprints being taken of all who are processed at Lindela. South Africa law also prohibits those without documentation from opening bank accounts in the country. When participants were asked if they feared deportation, their experiences with the police were foremost in their minds. Police in public places would request identification papers as an indirect way of ascertaining someone’s immigration status (Matthew, 2009:243). The research showed that there were significantly less women detained at Lindela, this may be due to a number of factors including the kind of employment sought out by women. The first could be that women are more likely to undertake informal employment such as domestic work and are thereby, relegated to the private sphere where their male counterparts are more likely to find gainful employment in construction and public sphere activities.

In addition, participants most often complained of being unable to afford permits which would secure them the right to work and live in the country. For those who were asylum-

seekers, the process was ambiguous and could be fraught with corruption (Amit, 2012, & Landau & Amit, 2014). The inability to secure rights and protection results in increased precarity for participants, with many choosing alternative means to reside in the country legally. Most often participants made use of the agreements between their country of origin and South Africa. For Zimbabweans, this meant a 30-day visa entry into the country, where some chose to move between countries (South Africa, Botswana and Zimbabwe) continuously to ensure they were legally in the country. In some cases, women were more vulnerable during informal crossing with some choosing to do so while pregnant, while knowing that there was increased likelihood of sexual violence and exploitation when undertaking the informal crossings. Conditions of precarity following their migration from their country of origin were further exacerbated by insecure and informal employment opportunities, and deportability.

Furthermore, a review of available literature showed there is increasing interest in precarity among migrant, asylum-seeking and refugee groups. Literature has showed a relationship between spatiality and the carceral system. This was illustrated in the present research as well. An analysis of the data revealed that spatiality is used in detention to construct precarity through isolation and control over bodies, as seen when reviewing the layout and location of Lindela. The stark difference in conditions between the men's section and the women's section reveal the gendered stereotypes which are played out on bodies. Women were allowed greater free movement and were seen as non-threatening while men were confined to their section and were viewed as posing a greater threat (physical and otherwise). The spatial layout of the facility reinforces these gendered stereotypes. This study revealed the intersections between the carceral state, precarity and detention. The study was able to identify the conditions of detention and how these conditions create precarity for those detained. The evidence collected in this research shows that while conditions of precarity for those detained are visible, these conditions precede detention and are present throughout the respondents' migration story.

Political, economic and social circumstances often precipitate the migration of individuals from their countries of origin to the host country. The difficulty in distinguishing between the traditional conceptualisations of economic migrants and refugees becomes apparent (Freeman, 2007). Unlike the traditional conceptualisation of economic conditions as the leading factor constructing precarity, this researcher argues that social and political

conditions can also create conditions of precarity. In order to escape the precarity in their countries of origin, migrants travel to the host country in the hopes of escaping the conditions of precarity; to build better lives for themselves and their families in the process. However, the carcerality of the host country creates new conditions of precarity for migrants, asylum-seekers and refugees.

Secondly, this research indicated that the carceral state plays an important role in the construction of illegality and in the criminalisation of migration, which is pivotal in constructing the precarity of migrant life in South Africa. The construction of illegal bodies through migration policies and practices disallows migrants and even asylum-seekers from regularising their stay. These barriers to regularising their stay results in migrants making informal and dangerous border crossings where movement, bodies and documentation become commodities. This research shows that the cost associated with regularisation is prohibitive for unskilled workers coming from neighbouring countries. This phenomenon effectively bars migration for black, particularly women, unskilled labourers from neighbouring countries, reserving migration for wealthy and often white migrants.

Thirdly, the research found that precarity was most acutely felt during detention where feelings of hopelessness, fear and an inability to plan for the future were strongly present. The prevalence of negative feelings highlights the psychological aspect of precarity, where trauma can be a result of precarity and vice versa. The data also showed that fear was experienced more acutely during informal crossings, arrests and in some cases in detention. Women who participated in the research were more likely to locate fear and feelings of hopelessness not within themselves but in relation to others. Examples of this were expressing feelings of hopelessness for their children or thinking of the future of their children. On the other hand, few of the men interviewed expressed similar emotions; many located their ability to plan for the future in themselves.

Moreover, and more concerning, were findings of human rights violations which were common and systemic within Lindela. These violations range from actively barring detainees from accessing legal counsel to obstructing legal counsel through procedural processes that may involve torture. Inhumane treatment and methods of torture were particularly focused on men detained at Lindela. A majority of participants alleged that violence, physical and psychological, were commonplace at Lindela particularly for men. None of the women

interviewed recounted acts of violence perpetrated against women, except for one participant who had experienced sexual violence while in prison.

6.3 Conditions of precarity

Conditions of precarity were identified in the experience of participants throughout their migration stories and their experiences while detained at Lindela. Conditions of precarity within their countries of origin precipitated participants migrating to South Africa. It illustrates how precarity is a useful lens through which to understand the lived experiences of migrants, asylum-seekers and refugees. Motivations for migrating to South Africa varied, some sought economic opportunities, others sought asylum and refugee status. Those seeking economic opportunities were often unable to afford or obtain the documentation which would facilitate their movement across borders or their ability to work and live legally in South Africa.

While providing a foundation for further research, the present study highlights the need for further investigation and study into the conditions of precarity faced by women detained (not only at Lindela) to build a greater understanding of gendered precarity and how gendered precarity can be conceptualised.

Furthermore, the research highlights that conditions of precarity exist outside economic systems and have various ways of manifesting themselves. The construction of precarity through immigration policies highlights a new way in which migration can be understood beyond traditional conceptualisations, in that it provides a theoretical lens which enables researchers to understand more holistically, the motivations for migration. Furthermore, it allows for researchers to form a better understanding of the depth and extent of precarity for migrants.

6.3 Contribution of the research

The analysis of the data has been able to show that conditions of precarity can be identified based on the framework provided by Butler, especially for foreign nationals in South Africa. It illustrates how precarity is a useful lens through which to understand the lived experiences

of migrants, asylum-seekers and refugees. Conditions of precarity not only exist within detainment but in migration stories, and participants' reasons for leaving their country of origin. The research also builds on existing literature around the construction of precarity, specifically as to how state policies produce criminality and precarious lives for migrants and asylum-seekers.

This research also shows how the suspension of law takes a variety of forms from high level political instructions to the attitudes of DHA and BOSASA officials (Poole, 2007:87) such as where detainee living is scheduled from when to eat and when to sleep, when one is allowed to visit the on-site shop (tuck-shop) to time allotted to spend in the library. Detainees lose time and space in the processes of detention faced with uncertainty of when they will be deported unless they have the economic means to pay for their repatriation. While providing a foundation, this research highlights the need for further study into the conditions of precarity faced by women detained, not only at Lindela; in order to build a greater understanding of gendered precarity and how gendered precarity can be conceptualised.

Furthermore, the research highlights that conditions of precarity exist outside economic systems and have different ways of manifesting. The construction of precarity through immigration policy highlights a new way in which migration can be understood beyond traditional conceptualisations, in that it provides a theoretical lens which enables researchers to understand the motivations for migration more holistically. Furthermore, it allows for researchers to understand better the depth and extent of precarity for migrants.

6.4 Recommendations for further research

It is important to recognize the difficulties faced by researchers when attempting to access Lindela. Bearing this in mind, this research highlights the need for further research to be conducted at the facility. Areas of interest noted through the process of data analysis of the present study which are worthy of further research and future study are:

- i. The role of private companies running state facilitates and its implications.
- ii. How precarity is constructed through practices at these facilities.
- iii. The difference in the number of men and women who are detained at Lindela; specifically understanding the reasons why more men are detained at Lindela than

women. It is difficult to deduce the reasons from this study, but the researcher suggests the following as a possible reason: could the difference lie in the specific kind of economic activities men and women respectively engage in?

- iv. The importance of health policies suited to migrating populations.
- v. Should a case be made out for legal counsel to be available in administrative issues such as immigration violations?
- vi. The psychological impact of detainment at Lindela.

6.5 Conclusion

In conclusion, while some gendered aspects to the conditions of precarity were uncovered by this research, the present study makes a broader contribution to existing literature. The research was able to locate precarity in the experiences of foreign nationals through spatiality, bureaucratic processes and policies which are enacted on the bodies of migrants. Conditions of precarity were found to be gendered, but these require more comprehensive study in order to understand fully these gendered conditions of precarity. While South Africa employs an urban refugee model regarding migration policies, there has been an increasing shift in policy moving away from this model to a more securitized approach. Even with the urban refugee model approach the DHA does not have a good track record, given the massive backlogs at RROs, corruption and the difficulties faced by foreign nationals in obtaining permits

The present research study has been successful in identifying some of these conditions through participant interviews and the researcher wishes to emphasise the need for comprehensive research to be done on the topic, in order to develop a more profound understanding of these conditions.

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Appendices

Appendix 1: Ethics Approval Letter



NOTICE OF APPROVAL

REC Humanities New Application Form

6 September 2018

Project number: 6958

Project Title: The Invisible Women of Lindela: Identifying Dimensions of Precarity

Dear Miss Lea Koekemoer

Your REC Humanities New Application Form submitted on 5 September 2018 was reviewed and approved by the REC: Humanities.

Please note the following for your approved submission:

Ethics approval period:

Protocol approval date (Humanities)	Protocol expiration date (Humanities)
31 August 2018	30 August 2019

GENERAL COMMENTS:

The research is approved based on the researcher's statements that she will prepare a final response to the REC on the available mitigation strategies she will put in place to assist participants who experiences distress or trauma. This project is classified as medium-high risk and therefore the researcher must report an adverse or unanticipated events to the REC soon after it occurs, whether for advice or for reporting. She must report to the REC on her planned mitigation strategies before data collection may commence. The REC therefore approves the project with the understanding that the researcher will report back to the REC on available mitigation strategies.

Please take note of the General Investigator Responsibilities attached to this letter. You may commence with your research after complying fully with these guidelines.

If the researcher deviates in any way from the proposal approved by the REC: Humanities, the researcher must notify the REC of these changes.

Please use your SU project number (6958) on any documents or correspondence with the REC concerning your project.

Please note that the REC has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

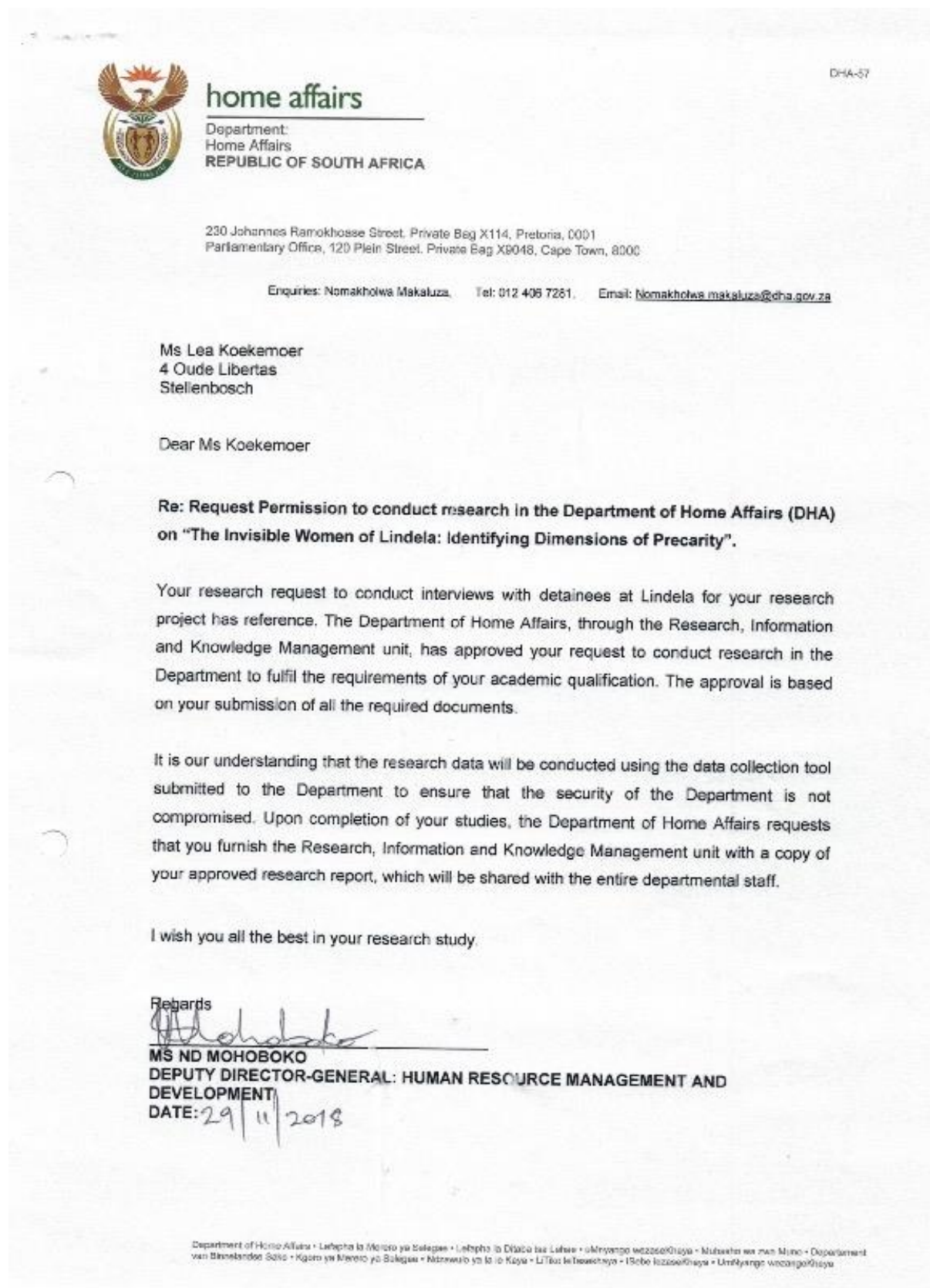
FOR CONTINUATION OF PROJECTS AFTER REC APPROVAL PERIOD

Please note that a progress report should be submitted to the Research Ethics Committee: Humanities before the approval period has expired if a continuation of ethics approval is required. The Committee will then consider the continuation of the project for a further year (if necessary)

Included Documents:

Document Type	File Name	Date	Version
Request for permission	Letter Prof A Gouws	01/08/2018	
Data collection tool	Interview Question Final	12/08/2018	
Request for permission	Letter of Application to DHA	12/08/2018	
Default	Department of Justice Response	12/08/2018	
Default	DHA Response	12/08/2018	
Default	Letter of Application to DHA	12/08/2018	
Recruitment material	Recruitment Flyer	13/08/2018	

Appendix 2: Letter from the Department of Home Affairs



Appendix 3: Interview Questionnaire

Interview Questions

Section 1:

Age:

Sex:

Nationality:

Pick a number from 1-100 (this will be your interview number and to protect your anonymity):

Section 2: Migration Story Travel to South Africa and Arrival

1. Where are you from and why did you decide to leave?
2. Did you have to travel through different countries? If so how many?
 - *Did you have problems while traveling through these countries?*
 - *What kind of problems did you encounter? Can you tell me about them?*
3. Tell me about your family
 - *Did anyone travel with you? Where are they now?*
4. Are you responsible to send remittances (*money, financial support*) to your family to ensure their livelihood (*survival*)?
5. When you first arrived in South Africa did you feel welcome?
 - *Why/Why Not?*
6. Did you feel safe traveling here?
 - *Why/Why Not?*

Section 3: Migration Story Experience of Arrest

7. When and why were you arrested?
8. Did you have legal documents when you were arrested?
9. How did the police treat you?
10. How long was it before the police sent you to Lindela?
11. Were you separated from your family when you were taken here to Lindela?
12. How long have you been at Lindela?
13. What is your day like in Lindela? From waking up to going to sleep.
14. Do you have contact with other people detained here?
15. Were you able to form supportive networks with other foreign nationals when arrived here? Do the people kept here help each other? Talk to each other? Support each other?
 - *Why/Why Not?*

16. How are you treated?
17. Do you feel like your basic needs are met? (Food, shelter, undisturbed sleep)
18. Are you able to access legal counsel and medical attention?

Section 3: Migration Story Conditions of Precarity

19. Before you were arrested and detained, did you go to the Department of Home Affairs or one of the refugee reception offices?
- *Yes- Question 21, NO- Question 26*
20. How was your experience at the Department of Home Affairs?
21. Were the staff helpful?
22. Do you know what the process entailed before and during? *What you needed to bring, what to expect, what to do, who to speak to and see?*
23. How long did you have wait to be helped at the Department of Home Affairs?
24. Were you able to communicate in your language?
- *Did people understand you? Why/Why Not?*
25. Have you ever been verbally attacked because of your nationality?
26. Have you ever been physically attacked because of your nationality?
27. Did you feel you could be arrested at any moment?
28. Did you feel that South Africans would protect you?
29. What is your biggest concern at the moment?
30. Do you feel hopeless at the moment?
31. How do you see the future when you leave here?
32. What will give you hope?
33. "I thought at some points my life was so uncertain I could die at any moment." Do you agree with this statement?
- *Elaborate*
34. For me safety is a never-ending concern. Do you agree with this statement?
- *Elaborate*
35. Did/ Do you fear sexual violence?
36. Is there anything else you would like to tell me?

Appendix 4: Report the Ethics Committee on research at Lindela

Dates at the facility: 19/06/2019, 20/06/2019, 21/06/2019, and the 24/06/2019.

Care Packages were brought and given to participants.

19/06/2019

Firstly, locating the centre was difficult, even with the use of google maps. It was isolated away from the city and suburbs, situated in an old mining district. Upon my arrival at the facility, there was some confusion from the reception staff. I had to convince them to speak to a member of the Department of Home Affairs⁷ management to verify my identity and the reason I was there. I was then taken to the most senior persons' office there, Estelle Bok with DHA, where she asked me questions regarding my research. I had to show the email communication between myself and the Mr Modiri Matthews, who granted me access to the site, along with my ID and the official letter which was given to me by the DHA.

After that, the DHA facilities management gave me a tour of the Lindela Centre. They also allowed me to take some photos as long as there were no people in them. The tour included processing rooms, the various sections: Section A where the men stayed, Section C where the women stay and Section B, which was used for storage and the cafeteria. On the day of my arrival, the facility had 882 detainees, of which 36 were women. I was introduced to members of BOSSASA management on my first day, which is still running the facility despite their implication in the Zondo Commission.

The DHA staff, at Lindela, wanted to help me in getting English speaking participants, they seemed to think that I would be interested in participants from different countries. I explained to them that I wanted voluntary participants who were able to converse in English. They then brought me participants wanting to appear to be helpful. They brought me two female participants from Guyana and Bolivia of their choosing. I was not sure how to best broach the topic with management, in that they needed to enable voluntary participation as described in my methodology.

The DHA management placed me in a conference room located in their office wing of the building. They stated this was for safety purposes. The conference room had a door which I kept closed during interviews, despite attempts by BOSSASA security and DHA officials to sit in on interviews. Those requests I denied politely, and it was accepted without much argument.

⁷ DHA Refers to the Department of Home Affairs

Before interviewing the two participants, I explained to them clearly what my purpose at Lindela was, and that participation would be entirely voluntary. They agreed to participate in the research; however, I realized this was not in line with my methodology of recruit participants. I reached out to a researcher I knew as to how best to address this with DHA management at the facility without resulting in them denying me access the next day.

Participants Interviewed:2

20/06/2019:

I received a call from a participant, from the previous day, on my cell phone. She called about wanting to get phone number for someone who could help her, legally, particularly Lawyers for Human Rights (LHR).

I feared that facilities management were trying to limit my access to the facility and manage the individuals I would be able to speak to. I wasn't able to discuss the participant selection with DHA management, as they were unavailable. Due to their unavailability, I asked the staff member helping me to make it clear to participants what I was doing and that they could speak to me if they wanted to. I emphasized the importance that participation in my research needs to be voluntary.

With this said, I was able to continue some interviews on this day. There was another incident where a member of BOSSASA security wanted to sit in the room during the interview, and I denied her request. It seemed to me that they wanted to make sure I could complete my research as quickly as possible. I was able to speak to my supervisor and reached a solution to approaching the management about how we recruit participants. The DHA officials may not be aware of their behaviour and, therefore, may have thought that they were helpful.

Participants Interviewed: 2

21/06/2019:

I was able to speak to Estelle Bok, the most senior official at the facility at that time. After explaining to her some of the problems in recruitment, she said she would allow me to use the intercom system for the men's section to call for participants. I was able to use the intercom to make a call for participants. Using the intercom was effective, and I repeated myself to ensure that my message was received. Individuals wanting to participate had to present their Lindela ID card to a member of security and the security would escort them to me. I was moved from the boardroom to a room inside the physical facility often utilized by LHR. The purpose of this was to accommodate my request for privacy during the interviews and the managements security concerns. The room had a camera which could be monitored

from the control room. Facilities management were far more accommodating than I had anticipated and willing to work with me.

Participants Interviewed: 6

24/06/2019

I was able to conclude my voluntary interviews on the final day. I was also able to speak to the women detained at Lindela personally in their section, as I still needed more female participants. I explained to them in their TV room what I was doing at Lindela, what the process would entail and that I was looking for voluntary participants. Only two women were willing to talk to me. One of the female participants couldn't converse well in English. Therefore, I had to cut our interview short and gave her a care package, as it seemed to be her primary motivation for participating. Some of the information I managed to glean in the interview will be useful.

Participants Interviewed:

Total Participants Interviewed:

- 8 Men
- 6 Women

General Observations

- I was not left unattended in the facility unless I was with a participant.
- Facilities staff went out of their way to endear themselves towards me, making conversation.
 - Many members of staff told me that they had also researched detention but within other branches such as SAPS.
- Facilities management was also more accommodating and understanding than I had expected, and willing to work with me when I brought forth problems, such as the participant sourcing.
- DHA staff were easily distinguishable from BOSSASA staff in their uniform;
 - Lindela DHA staff dressed very similar to police, their style of dress, their shoes and general attire, typically brown with black boots.
 - Where BOSSASA staff wore navy blue uniforms.
- Lindela is located in an extremely isolated area, well-guarded and not dissimilar to a prison.
- Women may have been less willing to participate for a variety of reasons, one could be that there were fewer women in comparison to men, and thus more identifiable.

Participants

Only one participant made contact with me, and the same person has contacted me on three occasions.

- Once telephonically: called about trying to get access to Lawyers for Human Rights.
- Twice through WhatsApp messaging
- The participant seems to want contact with someone from the outside. They did not report that they have suffered any undue stress or trauma because of their participation.

The social worker has not received any phone calls from participants (10/07/2019).

Recommendations

I want to make the following recommendations for future research at the facility from my experience.

1. The DHA management at the facility would not allow flyers to put up in the sections, they did not explain as to their reasons why but denied my request to do so.
 - This will affect participant recruitment,
 - o alternative methods had to be used in light of this. Such as making use of the intercom system or speaking to individuals in the sections if allowed to do so.

I was not allowed physically into the men's section due to cited security concerns, primarily that management, both BOSSASA and DHA, view detainees as criminals.
2. Be aware of Challenges, such as those that I encountered:
 - Frequent interruption by various staff members, whether senior DHA officials or BOSSASA security members.
 - Management will want to maintain security when interviewing male participants, like in a room with a camera.
 - Participants may frequently ask for money for a bus ticket, or to buy items from the shop, ask for legal help.
3. Limit the number of interviews the researcher conducts within a day:
 - I would recommend that the researcher takes frequent breaks,
 - Interview between 4-5 people on a single day.
 - Debrief with a colleague or supervisor at the end of every day.

Appendix 5: Consent Form



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
jou kennisvennoot • your knowledge partner

STELLENBOSCH UNIVERSITY

Consent Form

You are invited to take part in a study conducted by Lea Koekemoer, from the Political Science Department at Stellenbosch University. You were approached as a possible participant because the research is focused on foreign national's experiences in South Africa.

1. Purpose of the Study

The purpose of the study is to explore the experiences of foreign nationals in South Africa, from arrival, to your experience of arrest and your experience at Lindela Repatriation Centre.

2. WHAT WILL BE ASKED OF ME?

If you agree to take part in this study, you will be asked to answer questions relating to your experience in South Africa.

3. POSSIBLE RISKS AND DISCOMFORTS

It is possible that some of the questions may make you uncomfortable. May remind you of experiences you've had that upset you.

4. POSSIBLE BENEFITS TO PARTICIPANTS AND/OR TO THE SOCIETY

The benefits of the study are that it may allow civil society organisations, institutions such as the South African Human Rights Commission and government to better understand your experiences within South Africa. A better understanding of your experience could be used to formulate better policies, better management of facilities such as Lindela and prevent human rights violations.

5. APPRECIATION FOR PARTICIPATION

Participants will be receiving a care package as a token of appreciation.

6. PROTECTION OF YOUR INFORMATION, CONFIDENTIALITY AND IDENTITY

Any information you share with me during this study and that could possibly identify you as a participant will be protected. This will be done by you selecting a random number which will be used to identify your interview. This will only be seen by myself and my supervisor. Further information gender and nationality will be used in general without reference to any of your personal information. The interviews will be audio-recorded with your permission but once it has been written out the recording will be kept secure so you cannot be identified through your voice. You will not be identified personally in the final report. Also, the only other person which will see transcribed interviews will be members of the University of Stellenbosch. The findings of this study will be written and published in an academic journal upon completion. The journal article will not refer to any one participant but the findings of the study in general. There will be no mention of any participant by name. You are able to state whether you wish for the information you provide to be shared or not.

As mentioned before, the interview will be audio-recorded with your permission, if you wish to withdraw from participating the recording will be deleted. Unfortunately, you will not be able to review or edit the tapes, but I ask you at the end of the interview if you would like to add or take back anything you said during the interview. The audio-recordings will be deleted once I have written up the interview.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you agree to take part in this study,

you may withdraw at any time without any consequence. You may also refuse to answer any questions you don't want to answer and still remain in the study. The researcher may withdraw you from this study if you show any signs of being extremely uncomfortable, emotionally or psychologically stressed.

8. CONTACT INFORMATION

If you have any questions or concerns about this study, please feel free to contact Lea Koekemoer at 17850630@sun.ac.za , and/or the supervisor Professor Amanda Gouws at ag1@sun.ac.za Or call the Department of Political Science at 021 808 2386.

9. RIGHTS OF RESEARCH PARTICIPANTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research participant, contact Ms Maléne Fouché [mfouche@sun.ac.za; 021 808 4622] at the Division for Research Development.

ADDITIONAL INFORMATION FROM PARTICIPANT

Age:

Sex:

Nationality:

Participant Signature

.....

Date:

Appendix 6: Photos



Figure 2 Picture of Lindela from the road

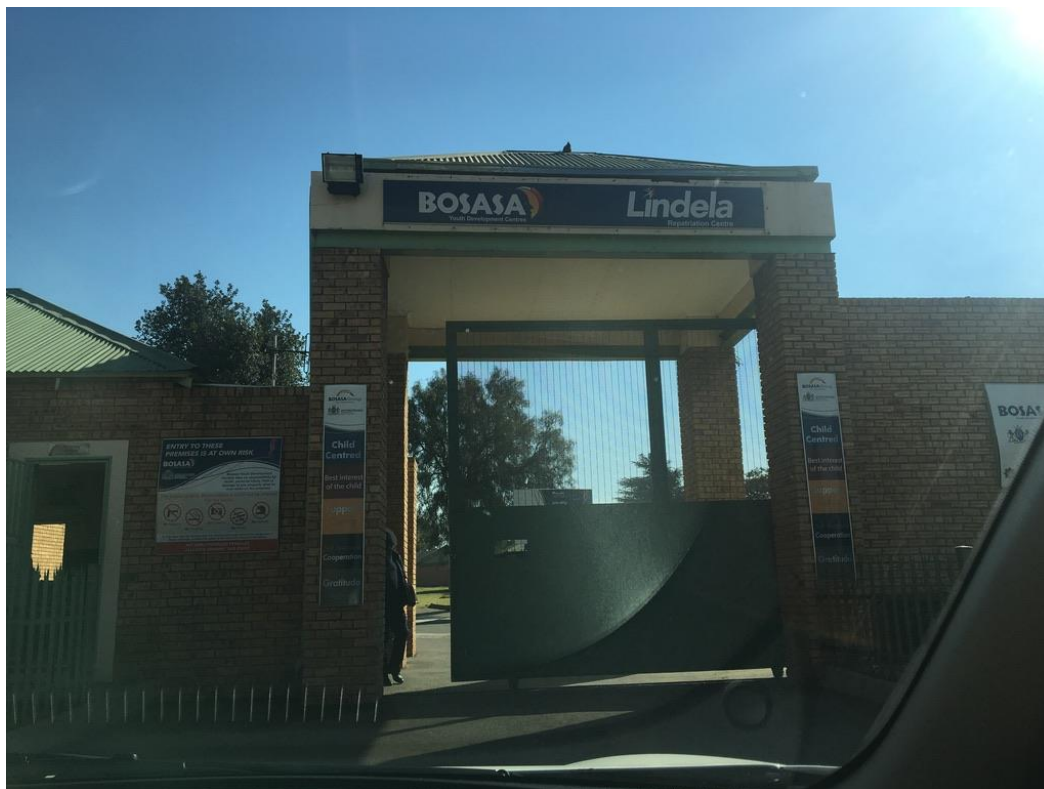


Figure 3 Picture of the entrance to Lindela



Figure 4 One of the open areas in Lindela



Figure 5 Women's cells